

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

Original Application No. 117/2026

(IA No 109/2026, IA No 225/2026
IA No 234/2026)

IN THE MATTER OF:

Daljeet Singh

...Applicant

Versus

State of Punjab & Ors.

...Respondents

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1.	Response on behalf of Central Pollution Control Board (CPCB) respondent no. 12 in compliance to Hon'ble NGT order dated 17.02.2026 in O.A. No. 117/2026.	
2.	Annexure I- A copy of Hon'ble NGT order dated 17.02.2026 in O.A No. 117 of 2026.	



**Filed by Advocate Suman Arora
On behalf of Central Pollution Control Board**

Place: Delhi

Dated: 18.05.2026

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**RESPONSE ON BEHALF OF RESPONDENT No.12, CENTRAL
POLLUTION CONTROL BOARD (CPCB)**

PRELIMINARY SUBMISSIONS

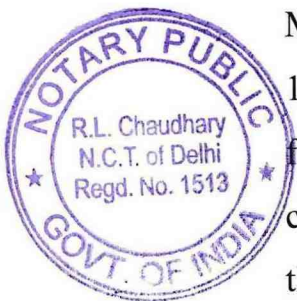
1. That the Hon'ble National Green Tribunal, Principal Bench (hereinafter referred to as the "Hon'ble NGT") vide order dated 17.02.2026 has sought the response of Central Pollution Control Board (hereinafter referred to as "CPCB") in the instant matter. Thereby, the response is made in succeeding paragraphs. A copy of the Order dated 17.02.2026 is appended herewith as **ANNEXURE I**.
2. That by the present application, the applicant has challenged the Auction Notice dated 17.10.2025 issued by the Executive Engineer/Mansa Drainage Division, Government of Punjab Water resources Department for de-silting of critical sites of various rivers/nadis under Drainage Divisions of SAS Nagar, Patiala, Mansa, Ropar, Ludhiana, Sri Anandpur Sahib and SBS Nagar on the premise that the de-silting work is allegedly for commercial purposes and therefore, requisite environmental clearances were required before issuing the impugned auction notice.



3. That at the outset, the Answering Respondent denies all claims, contentions, allegations and averments against Answering Respondent CPCB in the above OA, contrary to anything stated or submitted in this response. Nothing in the OA may be deemed to have been accepted or admitted by the Answering Respondent for want of a specific denial or on the ground of non-traverse, save any averment which has been expressly admitted hereinafter.
4. That CPCB is constituted under the Water (Prevention and Control of Pollution) Act, 1974 (hereinafter referred to as "the Water Act, 1974"). It performs the functions under the Water Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as "the Air Act, 1981"), and the Environment (Protection) Act, 1986.
5. That the State Pollution Control Boards/Pollution Control Committees (hereinafter referred to as "SPCBs/PCCs") have been constituted in States / Union Territories under the Water Act, 1974 and the Air Act, 1981 and are empowered to perform the functions and implement the provisions of these Acts in respect of their Territorial Jurisdiction.

RESPONSE

6. That sand is a minor mineral under Section 3(e) of the Mines and Minerals (Development & Regulation) Act, 1957 (MMDR Act). Section 15 of the MMDR Act empowers the State Governments to make rules for regulating the grant of quarry leases, mining leases or other mineral concessions in respect of minor minerals and for purposes connected therewith and Section 23C of the MMDR Act empowers the State



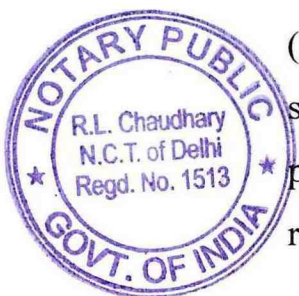
Governments to make rules for preventing illegal mining, transportation and storage of minerals and for the purposes connected therewith.

7. That Ministry of Environment, Forest and Climate Change (hereinafter referred to as "MoEF&CC") published EIA Notification 2006 and its amendments, and OMs issued from time to time regarding Environmental Clearance to be obtained for projects/activities in the Schedule which includes mining of minerals also.
8. That as per information available on MoEF&CC's website, the respondent No. 11 (i.e. MoEF&CC) had issued Notification dated 28.03.2020 regarding amendments in the EIA Notification 2006 substituting the Appendix IX regarding Exemption of certain cases from requirement of Environmental Clearance, which at S. No. 7 included the case - "Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management". Subsequently, the MoEF&CC issued another Notification dated 30.08.2023 regarding further amendments in the EIA Notification 2006 by which the case at S.No. 7 was substituted as follows - "Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management shall be subject to the compliance of environmental safeguards issued in this regard from time to time.". The copy of the said notifications dated 28.03.2020 and 30.08.2023 are available on the MoEF&CC website https://environmentclearance.nic.in/report/View_EIA_Notifications.asp
x.



9. That the respondent No. 11 (i.e. MoEF&CC) had also issued **O.M. dated 12.07.2023** regarding the exemption from EC provided vide S.O. 1224 (E) dated 28.03.2020 for dredging and de-silting to be subject to Environmental Safeguards as proposed in the National Framework for Sediment Management issued by the Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation, and another **O.M. dated 21.10.2023** enjoining upon - i) all Project Proponents availing the aforesaid exemption provisions and carrying out dredging and de-silting activities related to entry 7 of Appendix IX of the EIA Notification, 2006 to inform the concerned SPCBs/PCCs at least a fortnight before start of such activities in writing giving details of such activities and the environment safeguards being observed by them and ii) all SPCBs/PCCs to independently monitor the compliance status of the environmental safeguards and to initiate legal action against the project proponent under the relevant provisions of Environment (Protection) Act, 1986 for the projects not complying with the environmental safeguards. The copy of the said O.M.s dated 12.07.2023 and 21.10.2023 are available on the website at https://environmentclearance.nic.in/Auth/Report_OMs.aspx.

It is, however, humbly submitted that response of the respondent No. 11 (i.e. MoEF&CC) may be important on exemption of dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management, from requirement of environmental clearance.



10. That the mining operations are regulated through grant of Consent to Establish (CTE) and/or Consent to Operate (CTO) under the Water Act, 1974 and Air Act, 1981 by the concerned SPCBs. The Water Act, 1974

and Air Act, 1981 also include provisions for monitoring of compliance and enforcement of conditions prescribed in CTE/CTO.

11. That, in one of the matter concerning illegal sand mining (OA No. 360/2015), Hon'ble NGT vide order dated 26.02.2021 in aforesaid matter directed for the scale of compensation to be adopted by all the States/UTs for imposing environmental compensation to deal with cases of illegal sand mining in violation of EC conditions. In compliance to above order, CPCB vide letter dated 11.06.2021 issued directions to Environment Secretaries of States/UTs to evolve an appropriate mechanism for assessment of compensation in all Districts of the State and for utilisation of recovered compensation for restoration of environment by preparing appropriate action plan.

12. Department of Water Resources, River Development and Ganga Rejuvenation, Ministry of Jal Shakti has issued "*National Framework for Sediment Management*" in October 2022 which provides comprehensive guidelines for managing sediment in rivers, reservoirs, and water bodies, supplementing all existing policies and regulations, which also includes recommendation for dredging as briefed below:

- Dredging for de-silting of Indian rivers may be adopted only in exceptional circumstances or when no other sustainable alternative is available. Dredging for maintaining the necessary draft for maintaining the navigation may be done as and where required. However, it shall be ensured that such dredging does not cause any considerable pollution to river water and not harm flora and fauna.



- Further, if there is a need to pursue the de-siltation/dredging, such schemes to be pursued with utmost care backed by scientific study, including simulations through mathematical and/or physical model study at appropriate scales and employing consistent formulations applicable to the given site. Based on the outcome, comprehensive DPR may be prepared by the State Authority/ Project authority/ PSU/ private company etc. Dredging/de-silting projects including all components and their techno-economic performances need to be evaluated. An ongoing monitoring program is essential for optimizing sediment management. Short and long-term monitoring plans should be developed as an integral aspect of the Sustainable Management Plan. A Technical Advisory Committee (TAC) may be constituted by concerned State for appraisal and approval of the DPR for the techno-economic viability.

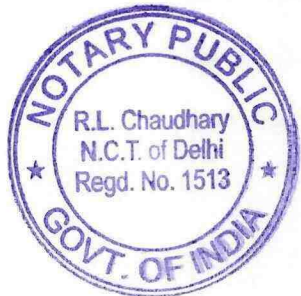
13. In respect of disposal of sediments (dredged material), the “*National Framework for Sediment Management*” under Section 5.0 recommended that:

- *“The proposal for de-siltation/ dredging activities shall be prepared as per applicable guidelines and prior approval may be taken from concerned agencies to ensure hassle free implementation. River gravels/sands/silts are valuable resource and could be used gainfully in construction works, including housing, roads, embankment and land reclamation activities.*
- *Appropriate sediment disposal plan shall be a part of Feasibility Report along with applicable Environment and Social safeguards. Dredged material shall be disposed as per the approved Environmental Management Plan. It should not contaminate any water body, adverse impact to the flora and fauna existing adjacent to the disposal site(s) etc.*



- *Desilted material should not be used for filling up of wetlands and water bodies including oxbow lakes, as these are important for recharging ground water and providing base flow in rivers during lean season.*
- *NOC from State Pollution Control Board (SPCB)/Union Territory Pollution Control Committee (UTPCC) as well as concerned local authorities is required in advance for disposal site for disposal of dredged materials. Requirement of NOC from State/Union Territory Pollution Control Board and from local authorities for disposal of dredged material is exempted for dredging carried out for navigation purpose by Inland Waterways Authority of India."*

14. That, in light of the above submissions, it is respectfully submitted that this Answering respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in the instant OA.



P. Gargava

(Prasoon Gargava)
Scientist 'F'
Central Pollution Control Board
18.05.2026

Prasoon Gargava / प्रसून गर्गावा
 Scientist 'F' / शास्त्रज्ञ 'फ'
 Central Pollution Control Board / केंद्रीय प्रदूषण नियंत्रण बोर्ड
 Ministry of Environment, Forest & Climate Change, Govt. of India
 18.05.2026

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...Respondents

AFFIDAVIT

I, **Prasoon Gargava** working as Scientist 'F' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 12 in the above matter, do hereby solemnly affirm, declare on oath and state as under: -

1. That I, the deponent herein is well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying response may be read part and parcel of the present affidavit.
3. That the accompanying response has been drafted and filed under my instructions, the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



P. Gargava

DEPONENT

प्रसून गार्गव / Prasoon Gargava
वैज्ञानिक 'एफ' एवं प्रभाग प्रमुख (आई.पी.सी.-II) / Scientist 'F' & Divisional Head (IPC-II)
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION:

Verified at Delhi on this 18 day of MAY 2026 that the contents above are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.



ATTESTED
NOTARY PUBLIC
GOVT. OF INDIA

18 MAY 2026

P. Gargava

DEPONENT

प्रसून गार्गव / Prasoon Gargava
वैज्ञानिक 'एफ' एवं प्रभाग प्रमुख (आई.पी.सी.-II) / Scientist 'F' & Divisional Head (PC-II)
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest & Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

Item No. 04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
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Original Application No. 117/2026
(I.A. No. 109/2026)

Daljeet Singh

Applicant

Versus

State of Punjab & Ors.

Respondent(s)

Date of hearing: 17.02.2026

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

Applicant: Mr. Tarun Cummra, Adv. for Applicant

ORDER

1. In this original application (OA), applicant has challenged the auction notice dated 17.10.2025 issued by Executive Engineer/Mansa Drainage Division, Government of Punjab Water Resources Department for desilting of critical sites of various rivers/nadis under Drainage Divisions of SAS Nagar, Patiala, Mansa, Ropar, Ludhiana, Sri Anandpur Sahib and SBS Nagar.

2. Submission of Learned Counsel for the applicant is that this desilting work is for commercial purposes, therefore, requisite environmental clearances were required before issuing the impugned auction notice.

3. The applicant has also relied upon the order of the Southern Zonal Bench of the Tribunal passed in OA No.142/2022(SZ), titled Sarvabhoom Bagali vs. State of Karnataka & Ors. wherein such desilting work for commercial purposes without requisite clearances has been found to be illegal.

4. A similar issue has been raised in OA No.100/2026 in the matter of Gram Panchayat Galhri vs. Union of India & Ors. in respect of another area of State of Punjab wherein Tribunal has recorded the following submissions and passed the order dated 11.02.2026:-

“3. During the course of hearing, Learned Counsel has produced a copy of the compliance report by way of affidavit filed by Additional Chief Secretary, Mines & Geology, Punjab in OA NO. 740/2024 wherein following stand has been taken:-

“3. That, in compliance with the directions of this Hon’ble Tribunal, it is submitted that the State has enacted the Punjab Regulation of Crusher Units, Stockists & Retailers Act, 2025 (attached as Annexure-A) and notified the Punjab State Minor Minerals (Amendment) Policy, 2025 (attached as Annexure-B). This act and policy introduce a modern, technology-driven, accountable system for monitoring mining and crusher-related activities. These reforms represent a significant departure from the Mining Policy 2023, strengthening transparency, monitoring, and compliance.

III. The Department of Water Resources Punjab has identified 85 de-silting sites in the state of which 36 de-silting sites comprising of 3,19,46,482 Sq feet area and 25,55,05,547 cft of material, are being auctioned out. This de-silted material shall open one more legal source for sale and processing of minor minerals in the open market.”

4. Referring to the above, Learned Counsel has submitted that dredging and desilting work is for the commercial purpose. She has further referred to the volume of work and royalty amount mentioned therein in support of the plea that desilting is for commercial purpose. She has been directed to produce the said document on record during the course of the day.

5. The Southern Bench of this Tribunal in the matter of Sarvabhoom Bagali vs. State of Karnataka & Ors. in OA No.142/2022(SZ) has considered the issue and has held as follows:-

“21. Admittedly in the given case the desilting is done not only for the upkeep and maintenance of the dams but to extract the sand from the silt to be sold at the rate fixed by the Government which is admittedly a commercial activity. As mentioned above, the mining operation means any operation undertaken for the purpose of winning any mineral. Here along with the silt, the sand which is available is extracted which is also quantified as 11,07,680 metric tons in Nethravathi River Bantwal Taluka, and 3,44,000 metric tons in Phalguni River Managluru Taluka, and in an extent of 64.4 and 20 ha. respectively. As it involves the commercial activity by any stretch of imagination, it cannot be stated that the dredging activity is exempted as provide in Clause 6 of Appendix

IX of EIA Notification, 2006. Therefore, the said impugned work order dated 27.11.2020 is contrary to the EIA Notification, 2006 for not having obtained the Environmental Clearance.”

6. Counsel for the applicant further submits that petitioner is a gram panchayat of Village Galhri which is located at the downstream and on account of impugned desilting work, lands of the villagers of the applicant/gram panchayat will be adversely affected.

7. OA raises substantial issue relating to compliance of environmental norms.

8. Issue notice to the respondents.

9. Applicant is directed to serve the respondents and file affidavit of service atleast one week before the next date of hearing.”

5. This OA involves the same issue in similar circumstances.

6. Issue notice to the respondents in the OA.

7. Applicant is directed to serve the respondents and file affidavit of service atleast one week before the next date of hearing.

8. Considering the issue of parity as an interim measure it is directed that till the next date of hearing though the tender proceedings will proceed but the work of desilting will not be commenced without the leave of the Tribunal.

9. List along with OA No.100/2026 on 14.05.2026.

Prakash Shrivastava, CP

Dr. Afroz Ahmad, EM

February 17, 2026
Original Application No. 117/2026
(I.A. No. 109/2026)
Jg.