

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

Original Application No. 1126 of 2024

**IN THE MATTER OF:**

Veer Singh And Anr.

..Applicants

Versus

Union of India And Ors.

..Respondents

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**FILED BY:**



DATED: 14.01.2026  
PLACE: NEW DELHI

**ROVNCIS FRANCIS VERMA**

**ADVOCATE**

30/1 87, LOWER GROUND FLOOR  
VKRAM VIHAR. LAJPAT NAGAR- IV,  
NEW DELHI, 110024  
MOB. NO 9868012182

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**REJOINDER ON BEHALF OF APPLICANTS IN REPLY TO COUNTER  
FILED BY THE RESPONDENT NO. 11 to 14**

**MOST RESPECTFULLY SHOWETH:**

1. That the Applicants have filed the present Original Application under Sections 14, 15, and 18 of the National Green Tribunal Act, 2010, seeking the urgent directions to stop the continuing environmental degradation and ecological disruption being caused due to illegal and unscientific sand/morrum mining activities undertaken by Respondent Nos. 11 to 14 at Gata No. 321 Ga Ta, Village Salempur, Tehsil Moth, District Jhansi, Uttar Pradesh.
2. That the violation of mining guidelines have not only caused irreversible damage particularly concerning the Betwa River. These violations have led to significant ecological damage, including irreversible harm to the riverine environment, and human fatalities, public health issues, alterations in river flow, and non-compliance with environmental regulations.

3. That the reply filed by Respondent Nos. 11 to 14 is self-serving, evasive, and based on the selective presentation of facts. It attempts to construct a narrative of compliance by relying solely on a site inspection dated 10.12.2024, while neglecting the longstanding and well-documented violations that occurred before and outside the scope of the said inspection.
4. It is most respectfully submitted that the Respondents have, through their own documents and annexures, admitted critical facts that substantiate the Applicants' case. These include the failure to plant trees as mandated under the Environmental Clearance, the operation of the mining lease without a valid CCA/CTO till as late as February 2024, and the imposition of penalties and lease cancellation by the District Magistrate.
5. The issues raised are based on material available on record, and the Respondents' objections on technical or procedural grounds do not dilute the substantive concerns arising from the alleged violations.
6. The Applicants hereby deny each and every averment and conclusion made by Respondent Nos. 11 to 14 in their Reply, which is contrary to and/or inconsistent with what has been submitted on record in the present application.

**PRELIMINARY SUBMISSIONS:**

**RELIANCE ON JOINT COMMITTEE REPORT MISCONCEIVED**

7. The Respondents have relied heavily on the Joint Committee's inspection conducted on 10.12.2024 to contend that no illegalities exist.

However, this reliance is grossly misplaced, misleading, and divorced from the cumulative evidence on record. The following points are submitted in this regard:

- a) The Respondents have failed to highlight that the Joint Committee, in its comprehensive Report dated 24.01.2025, unequivocally recorded several deficiencies and violations. These include unauthorised mining beyond the sanctioned depth, the absence of safety measures around mined-out pits, and failure to undertake the required plantation.
- b) The same report categorically recommended penal action against the Respondents under the Uttar Pradesh Minor Minerals (Concession) Rules, 2021 and the Sand Mining Guidelines, 2016 (amended in 2020), clearly acknowledging that environmental and procedural norms had been violated.
- c) The Committee also highlighted that the Project Proponent operated for a substantial period without obtaining the legally mandated Consolidated Consent and Authorisation (CCA) from the UP Pollution Control Board. It was only on 05.02.2024—well after the mining operations had commenced—that a valid CCA was obtained. The Committee directed the UPPCB to initiate appropriate action.
- d) Further, the fact that no active mining was taking place on the date of the inspection (10.12.2024) cannot be interpreted as evidence of compliance. Rather, the sudden halt of activity prior to a scheduled

inspection points to a deliberate attempt to conceal ongoing violations and to manipulate the regulatory process.

- e) It is a well-settled principle in environmental jurisprudence that a project proponent's obligations are continuous and cannot be fulfilled by ensuring temporary compliance on a single day. Environmental damage is cumulative in nature and must be assessed holistically. Therefore, reliance on a single inspection to portray a record of compliance is fallacious.
- f) It is also pertinent to note that local stakeholders, including the Gram Panchayat and villagers, had repeatedly raised concerns about the scale and impact of illegal mining, further corroborating the Applicants' allegations and undermining the Respondents' narrative of compliance.

Accordingly, the Respondents' attempt to rely selectively on the Joint Committee's site visit of 10.12.2024 to negate the extensive and longstanding violations documented by various authorities is unsustainable, misleading, and must be rejected.

### **ENVIRONMENTAL CLEARANCE AND STATUTORY VIOLATIONS**

- 8. That the Respondents' claim of compliance with EC conditions is demonstrably false, as:
  - a) They themselves admit in the Reply that the plantation was not carried out successfully, blaming extraneous circumstances such as lack of

rainfall and climatic adversity, which is a mandatory condition of their Environmental Clearance. The Joint Committee report, corroborated by local authorities, confirms that the mandated plantation of 400 trees was not carried out on site.

- b) The submission of mere payment receipts (Annexure R.2 Colly) without any photographic or field verification of the plantation is insufficient to meet the compliance standards of the Environmental Clearance.
9. That the Respondents continued to carry out mining activities from 2021 to early 2024 without securing the requisite CCA or CTO under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. Their assertion that such consent was not initially required is contrary to settled legal norms.
- a) The requirement for CCA/CTO arises the moment any extractive or industrial activity commences that could impact air or water quality. Environmental Clearance does not dispense with these obligations.
  - b) The belated issuance of CCA on 05.02.2024, after nearly three years of operations, is a clear admission of continuing breach of the said laws. Regulatory compliance post-facto cannot be cited to justify prior unlawful operations.

#### **MANIPULATIVE USE OF ADMINISTRATIVE RELIEF**

10. That the Respondents rely on the Appellate Order dated 20.02.2025, passed by the Commissioner, Jhansi, to claim validation of their mining rights. However, the said order does not absolve them from liability or exonerate them of the environmental violations already established by the District Magistrate and corroborated by the Joint Committee as:

- a) The order itself is conditional upon the deposit of a penalty of Rs. 2.01 crores, which reflects the seriousness of the infractions.
- b) It is a well-settled principle that an administrative appellate order restoring lease rights upon payment of a penalty does not negate the fact of violation; rather, it reaffirms that the violation occurred. Therefore, such reliance on the appellate relief is misleading and does not cure the environmental damage or legal breaches committed.

11. That the Appellate Authority's order does not preclude this Hon'ble Tribunal from independently evaluating environmental impacts, especially when the Tribunal is specifically empowered under Section 15 of the NGT Act, 2010, to assess, remediate, and penalise ecological degradation as:

- a) The environmental violations, including illegal excavation, depth breaches, failure of plantation, and operation without CCA, fall squarely within the Tribunal's jurisdiction, notwithstanding administrative reliefs granted.

- b) The principle of environmental primacy dictates that this Hon'ble Tribunal need not defer to administrative concessions if substantial environmental harm is established.

**MISREPRESENTATION REGARDING BRIDGE CONSTRUCTION AND RIVER DIVERSION**

12. That Respondents contend that no bridge or diversion of river flow was found during the Committee inspection. However, they carefully refrain from denying that such structures had ever existed. The omission to deal with this aspect amounts to an implied admission.

- a) Local media reports, photographic documentation, and independent inputs from villagers confirm the construction of a temporary "pipa bridge" to facilitate deeper ingress into the riverbed for illegal mining.
- b) The fact that the area was submerged during the visit prevented the Committee from confirming their existence, but it does not negate their prior presence.
- c) Additionally, sand embankments and artificial mounds were raised to alter and direct the river's course for easier mining access, which amounts to a serious ecological violation. These actions cause violation of Rule 33 of the Minor Mineral Rules, 2021 and the precautionary principle under environmental jurisprudence.

**PUBLIC INTEREST AND PRECAUTIONARY PRINCIPLE**

13. The loss of two human lives due to drowning in illegally excavated pits is a direct consequence of unregulated and unscientific mining practices. The Respondents have sought to attribute the deaths to "excess water" while overlooking the proximate cause—deep and abandoned sand pits left unfilled, without barriers or warning signs.

a) This Hon'ble Tribunal has consistently held that the Polluter Pays principle must apply in all cases where irreversible harm to the environment and human life occurs due to negligent activity. The Precautionary Principle demands that in cases of scientific uncertainty or latent damage, remedial and preventive action must be prioritised. The conduct of the Respondents violates both these cardinal principles, justifying the imposition of environmental compensation and restoration measures.

b) The Tribunal's jurisdiction is invoked not merely to punish but to restore the environmental balance and prevent further harm.

**ILLEGAL TRANSPORTATION OF MINOR MINERALS WITHOUT A  
VALID MM-11**

15. That the Respondents were involved in the illegal transportation of sand/morrum without the requisite e-form MM-11, mandatory under applicable mining regulations. This is evident vide FIR No. 0194, resulting from the seizure of certain dumpers transporting sand/morrum without valid

MM-11 forms at approx. 11:30 AM on 26.05.2021. However, the mitigation applications submitted by the vehicle owners the following day to the District Magistrate enclosed e-form MM-11(s) showing issuance times 3:50 pm, 4:25 pm and 4:05 pm respectively for the three dumpers on 26.05.2021. This showcases the glaring chronological contradiction, clearly indicating that the e-forms were created after the vehicles had already been seized, demonstrating collusion between the leaseholder, i.e., M/s Shubh Constructions, herein Respondent no. 11 and the dumper owners in an attempt to falsely regularise the illegality. This conduct violates Rule 3 and Rule 70 of the Uttar Pradesh Minor Mineral Concession Rules, 1963, and Sections 4 and 21 of the Mines and Minerals (Development and Regulation) Act, 1957, constituting a punishable offence. The fraudulent nature of the e-forms and the administrative acknowledgement of these violations are further substantiated by the District Magistrate's letter No. 70-Mineral-MMC-30 dated 29.05.2021.

**ILLEGAL STORAGE UNIT AND MANIPULATIVE COMPLIANCE WITH TOR/EC CONDITIONS**

16. That the Terms of Reference and Environmental Clearance issued in favour of the project proponent expressly required the installation of a weigh bridge and CCTV surveillance system in proximity to the mining site, to ensure transparency, monitoring, and regulatory oversight of mineral extraction and transportation. Contrarily, the Respondents have installed the weighbridge

and CCTV infrastructure at a location nearly one kilometre away from the mining lease area, along a State Highway, Punch-Gursarai. Such placement defeats the very purpose of real-time monitoring of mining operations and raises serious concerns regarding compliance with the Environmental Clearance conditions.

17. That the illegally extracted sand/morrum is routed through the underpass of the said highway and subsequently transported to a storage unit operated by Respondent No. 12, situated on forest land (Khasra No. 110 MI, area 1.506 hectares) at Sukupura, Tehsil-Moth, District Jhansi. The said storage unit, functioning without proper environmental approvals and forest clearance, has effectively become the central hub of unauthorised operations. The fact that Respondent No. 12 is the husband of the leaseholder only reinforces the nexus and coordinated control over the mining, transport, and storage chain.
18. That the Respondents' attempt to justify the existence and operation of the storage unit without addressing its compliance with Environmental Clearance and statutory norms does not satisfactorily answer the issues raised. Establishment of ancillary infrastructure outside the lease area, without approval, cannot be treated as a procedural irregularity.

In view of the above, it is humbly submitted that the reply filed by Respondent Nos. 11 to 14 is misleading and contrary to the record. It must be rejected in its entirety.

**PRAYER**

In light of the foregoing submissions, the Applicants most respectfully pray that this Hon'ble Tribunal may be pleased to:

- a) Reject the Reply filed by Respondent Nos. 11 to 14;
- b) Direct imposition of appropriate Environmental Compensation against the said Respondents in accordance with law;
- c) Ensure restoration measures, including replantation, desiltation and ecological remediation in the affected areas;
- d) Pass any other or further orders as this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the present case.

**AND FOR THIS ACT OF KINDNESS THE APPELLANT AS IN DUTY  
BOUND SHALL EVER PRAY.**

**FILED BY:**



DATED: 14.01.2026  
PLACE: NEW DELHI

**ROVNCIS FRANCIS VERMA**

**ADVOCATE**

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VKRAM VIHAR. LAJPAT NAGAR- IV,  
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**AFFIDAVIT**

I, Veer Singh S/o Brijkishor, aged about      years, R/o Village Barnaya, Barnaya Puliya Jhansi U.P. I do hereby solemnly affirm and state as under:

1. I state that I am the Applicant in the Rejoinder and I am aware about the facts and circumstances of the present case and I am therefore competent to sign and affirm the present affidavit before the Hon'ble Tribunal.
2. That I affirm that the Paragraph 1 to 20 are true and correct to my knowledge derived from the records of the Rejoinder. Prayer are true and correct based on the legal advice received from my counsel. Nothing material has been concealed therefrom.
3. That the accompanying petition has been drafted under my instructions.
4. That all annexures annexed are true copies / true typed copies of their respective original documents.

**DEPONENT**

*Ar Singh*



**VERIFICATION:**

Verified at New Delhi on this 28 day of August 2025 that the contents of the above affidavit are true to my knowledge and no part of it is false and nothing has been concealed there from.

**DEPONENT**

*वीर सिंह*



Serial No 2419 date 28/08/2025  
Certified that the foregoing statement  
sworn before me this day is  
by Shri/Smt./Ku veer Singh  
to whom the contents of this affidavit have  
been read over and explained and who  
is identified by Shri. Self  
Received the legal fee Rs 75 00 each

28/8/2025  
RAJESH KUMAR CHAURASIYA  
ADVOCATE  
NOTARY (GOVT OF INDIA) JHANSI



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I, Karan Singh S/o Mahendra, aged about      years, R/o Village Barnaya, Barnaya Puliya Jhansi U.P. I do hereby solemnly affirm and state as under:

1. I state that I am the Applicant in the Rejoinder and I am aware about the facts and circumstances of the present case and I am therefore competent to sign and affirm the present affidavit before the Hon'ble Tribunal.
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3. That the accompanying petition has been drafted under my instructions.
4. That all annexures annexed are true copies / true typed copies of their respective original documents.

**DEPONENT**

[Handwritten Signature]



**VERIFICATION:**

Verified at New Delhi on this 28 day of August 2025 that the contents of the above affidavit are true to my knowledge and no part of it is false and nothing has been concealed there from.

**DEPONENT**

करन सिंह

Serial No. 2420 dated 28/08/2025  
Certified that the foregoing statement  
sworn before me this day a...  
by Shri/Smt. J.Ku Karan Singh  
to whom the contents of this affidavit have  
been read over and explained and who  
is identified by Shri..... Self  
Received the legal fee Rs 35 00 each

28/08/2025

RAJESH KUMAR CHAURASIYA  
ADVOCATE  
NOTARY (GOVT OF INDIA) JHANSI

