

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 1276 OF 2024

IN THE MATTER OF:

SUDARSHAN SINGH & OTHERS APPLICANT

VS

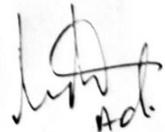
STATE OF PUNJAB & OTHERS RESPONDENTS

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PLACE - PATHANKOT
FILED ON: 10.09.2025

APPLICANT
THROUGH COUNSEL
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P/2811/2007
ADVOCATE FOR APPLICANTS
DISTRICT COURTS PATHANKOT
M-9417443900



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SUDARSHAN SINGH & OTHERS APPLICANT

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**REJOINDER BY THE APPLICANT TO THE REPLY FILED BY THE
RESPONDENTS NO. 9 & 10**

MOST RESPECTFULLY SHOWETH:

1. That the present Petition was filed by the applicants highlighting the inaction of respondent no.1 to 8 in implementing the mandatory provisions of law thereby promoting illegal mining & illegal operation of the Crusher Unit by the private respondents no. 9 & 10.
2. That in furtherance of notice issued by the Hon'ble Tribunal, Joint Committee filed its report & the Respondents filed their reply.
3. That in this background the Applicant herein is submitting its Response in the following manner to the reply filed by respondent no.9 & 10.

On Merits

1. That the para no.1 of the reply needs no objection.
2. That para no.2 of the reply also needs no objection .
3. That para no.3 of the reply is incorrect & denied , the respondent no. 9 & 10 are doing illegal mining in the garb of the crusher unit.
4. That the Letter memo no. 611 to 625 dated 04.04.1995 is matter of record . That it is pertinent to mention here that as per the reply filed by the respondent no.2 in para no. 6 , the respondent no. 9 obtained Consent to Establish (CTE) for running a crusher industry Respondent no.10 M/S Vijay Luxmi Gram Udyog in the year 1998, but the respondent no 9 & 10 has not

filed any copy of said CTE with the reply to show on which Khasra number the said CTE was issued in favour of respondent no. 9 & 10. That the Annexure A/1 filed with the reply is only a copy of Provisional acceptance of bid for the quarry at Kalgarh & is not a final acceptance. The said copy of Annexure A/1 does not mention the quantity of quarry nor mentions the Khasra number of any land or the period of the alleged quarry. That the said annexure A/1 nowhere gives any authority to respondent no.9 to remove the mines & mineral from the village Kalgarh illegally.

5. That the respondent no.9 & 10 has not filed the copies of all the CTO if periodically issued to them or the copies of annual Renewal of registration certificate in the name of respondent no.10 since from the year 1998, when the said crusher unit obtained the Consent to Establish (CTE) .
6. That the para no 6 of the reply is incorrect & denied. That the copy annexure A/3 to A/5 mentioned in reply clause a,b & c is matter of record. That the said alleged FORM -T (weighment Slips) are the gravels alleged to be purchased from one Manish Khullar from Chandigarh which is about 500 km from District Pathankot & as such not economically viable. That the respondent has not filed any loading slip /transportation proof along with the alleged annexure A/3 to A/5 to prove that such gravel was ever transported to the crusher unit of respondent no.9. That the copies Annexure A/3 to A/5 clearly shows that the said gravels was sold by the respondent no. 9 & 10 from their Crusher to the contractor namely Manish Khullar but has miserably failed to prove any source of the said gravel. That the respondent has failed to produce any source of raw material obtained by the crusher unit since the year 1998 to 07-12-2024 i.e. for 16 years which clearly proves that the respondent no. 9 & 10 illegally operated their Crusher unit from illegal source & illegal mining activity. That the respondent has also failed to produce any returns filed by it to prove the legal source of gravels in its possession.
7. That the respondent no 9 & 10 in its reply para no.7 (d) & (f) has produced three FORM-T of a single date i.e. 07.12.2024 alleged to be purchased from M/S Narulla Buildwell Pvt. Ltd & the said purchase is for the period during the pendency of the petition under Lis which does not authenticates the illegal source for the last 16 years.

8. That para no. 8 of the reply is incorrect & denied. That respondent no.9 & 10 has failed to produce any legal source for the last 16 yrs i.e. from the year 1998 from the day of establishment of the respondent no.10. That the respondent has also failed to give any legal source of raw material to compare with the electricity consumption for the period 2019 to April 2024 i.e. The monthly Electricity Bills for the year 2019 is ANNEXURE 21, for the year 2020 is ANNEXURE 22, for the year 2021 is ANNEXURE 23, for the year 2022 is ANNEXURE 24, for the year 2023 is ANNEXURE 25, for the year 2024 upto month of April is ANNEXURE 26 in the main petition. . That it is important to mention here that the Annexure 22 & 23 i.e. Electricity bills of respondent no.10 is for the period of Lockdown during the Pandemic COVID -19 when all the industry were shut down with restricted work but surprisingly the respondent no.10 M/S Vijay Laxmi Gram Udyog was operational in its full swing without any obstruction. That during the pendency of the petition under reply the respondent no.9 & 10 with the support of the other respondents tried to cover up their wrong by obtaining the monthly returns from July 2024 . That the joint committee with its report has filed Annexure -5 the monthly return for the period 14.06.2024 to 10.07.2024 & in the same return under the heading General Entry has given the Opening Stock Raw Material (CFT) (previous month) as 105948 & again has given Opening Stock processed Material (CFT) (previous month) as 1295583 but has failed to produce any source of the said alleged stock of previous months. That here it is also pertinent to mention here that under the heading of the same **Annexure -5** Quantity of minor material processed /crushed is shown as 30111 & the electricity consumed is shown as 5420 like wise in the return for the period 11-07-2024 to 14-08-2024 Quantity of minor material processed /crushed is shown as 39644 & the electricity consumed is shown as 7136 vice versa & when we compare the same with its electricity bills Produced in the same Annexure for the period 13-June-2024 to 10-July-2024 the electricity bill is Rs. 78740/- , again if we look the electricity bill for the period 10-july-2024 to 14-Aug-2024 the bill is Rs. 102820/- , hence the electricity bills & the returns produced with the Joint Committee report clearly explains the Huge quantity of Illegal Raw Material processed by the respondent no.10 M/S Vijay Laxmi Gram Udyog for the year

2019 to April 2024 as shown in the electricity bills produced by the petitioner with its petition as Annexure A/21 To A/26 for which the respondent has failed to produce any source. That the relevant section 16 of the Punjab Crusher Policy 2013 is reproduced as under –

16- Monthly Returns

- a. Monthly Online Returns shall be filed by the Crusher Owner by the 7th day of every month, in such Forms as have been prescribed by the Department from time to time.
- b. The Crusher Owner shall be bound to submit online the necessary supporting documents such as weightment slip issued by the competent authority for all the material consumed in the crusher unit as and when required.
- c. The return shall be assessed by an officer authorized by the Director
- d. The crusher owner shall be accountable for sources of minerals for crushing and shall satisfy the concerned Mining Officer while producing the details of source in monthly return in Form-C or GST paid bills or through transit pass issued.
- e. The monthly production of crusher unit declared by the respective crusher owner shall be matched with the monthly consumption of electricity based on statistical formula which is currently 4.150 KW of power consumed for every 1 MT of production. Similarly, the monthly production declared by the screening unit shall be matched with the monthly consumption of electricity based on statistical formula which is 3 KW of power consumed for every 1 MT of production. Calculation of raw material used to produce every unit of output shall be done as per statistical formula which may be amended by the Govt. from time to time. For better monitoring of Electricity units consumed by the crushing units, Govt. reserves the right to integrate the web portal of the department with PSPCL portal, Smart meters shall be installed for each crusher unit.
- f. If Generator set is used for supplying power then the same shall be metered and detail of power consumed shall be certified by PSPCL or any other competent authority notified by department. Details of power consumption through D.G. set shall be submitted in the monthly returns. Meters shall be installed to measure power consumption at expense of the crusher owner. Specification of the meter may be prescribed by the Director in consultation with the Punjab State Power Supply Corporation Limited (PSPCL).
- g. PSPCL shall disconnect the electricity connection of the crusher unit in case Director Mining cancel the registration of such crushers. (Automatically electricity cut)
- h. After the filing of monthly return, if any crusher unit is found to have processed quantity in excess of material imported, such crusher owner shall

be liable to pay royalty and other charges for the excess material processed by him in MT at the rate as detailed below:-

- i. At the pit head price, as per prevailing mining policy issued by the Government or Annual concession value of the Mining Contract allotted to crusher owner, whichever is higher if payment is made by the crusher along with the monthly returns
- ii. Additional 15% of the above-mentioned rate in clause-I if payment is made within 15 days of the date of filing the returns.
- iii. Additional 15% of the above-mentioned rate in clause-II if payment is made within 30 days of the date of filing the returns.
- iv. The registration of the crusher shall be cancelled in case the payment is not paid within 45 days of filing returns provided that a show cause notice of 7 days shall be issued by the competent authority followed by right of hearing to the Crusher.

That the petitioner also wants to bring the attention of the Hon'ble Tribunal on Annexure -4 filled by the Joint Committed with its report i.e. the Registration Certificate of Respondent no.10 . That the joint committee has totally ignored the mandatory provision of the 'The Punjab Crusher Policy - 2013' the relevant section of the Policy is reproduced as under

Section 13 - Renewal of Registration

- a. All request for the renewal of registration shall be processed online.
- b. . Renewal of registration shall be automatic upon receipt of annual fee on the Portal, unless there is specific order of the Director prohibiting such renewal for a particular crusher unit .
- c. Failure to receive the annual fee on the due date shall result in automatic suspension of registration.

Provided that where the annual fee, along with late fee equivalent to 25% of the annual fee, is received within 30 days of expiry of due date, the registration shall be automatically renewed

Provided further that where the annual fee is not received until the expiry of 30 days after the due date, the Registration shall be deemed to be cancelled, and such a Crusher Unit shall then be considered for registration only upon receipt of an application of Registration of a new Crusher Unit.

That the copy Annexure A/5 filed with the petition shows that the registration of Respondent no. 10 was valid from 29-04-2023 To 28-04-2024 & the Annexure -4

of the Joint Committee Report i.e. the Registration Certificate with no. 60306 is valid from 22-07-2024 to 25-07-2025 . That the gap between the date of expiry of registration & fresh registration is 84 day, as such the Respondent no.10 did not got its registration certificate renewed within time and the registration of the Respondent no.10 has automatically cancelled . But surprisingly Mines & Geology department by ignoring all the unlawful acts of the Respondent no.10 issued fresh /new registration to the M/S Vijay Laxmi Gram Udyog by mentioning the Khasra no. 23//4. 23//5/2 that too without recovery of huge Penalty of Rs, 4,23,14.160/- {Rupees Four Crore Twenty Three lac Fourteen Thousand One hundred & Sixty Only} imposed by it on respondent no. 9 & 10 the copy of the demand - notice is appended with the petition & with the reply filed by Respondent no. 1, 2, 4 & 5 as Annexure R/1 & thereby the respondent has tried to cover up his all wrongs with showing the returns with registration no. 60306 Annexure -5 filled with the Joint Committee report and hence is misrepresenting before the Hon'ble Court by concealing the facts . That the respondent has filed his misleading reply in the shape of Affidavit & hence tried to fraud upon the Hon'ble Tribunal .

9. That para no.9 of the reply is incorrect & denied. That after few days of the visit of the Joint committee the applicant no.1 Sudarshan Singh took the photograph of the area which was illegally mined by the Respondent no.10 , due to the inaction and support of mining department, The Respondent no.9 & 10 , without any threat and with political support is continuously carrying the illegal mining in the Land . That in the photograph dated 25.02.2025 of Latitude 32.24128 N Longitude 75.615993 E, Photograph dt . 03.03.2025 at Latitude 32.241185 N Longitude 75.615887 E , Photograph dated 5.07.2025 of Latitude 32.24095 N Longitude 75.615817 & recent picture of dated 04.09.2025 & dated 06.09.2025 with Latitude 32.24105 N Longitude 75.615831 the illegal mined area by the said unit i.e. Respondent no.10 where mining is being carried out can be seen with the fresh impression/marks of tires of Pock lane and JCB Machine. That the Photographs is being attached herewith as Annexure A to F for kind perusal of the Hon'ble Tribunal. That in Photograph Annexure F even the Pock Lane Machine can be clearly seen removing the mine & minerals . That in the report of the Joint Committee at page no.5 para no. v the location of the unit M/S Vijay Lakshmi Udyog is mentioned as Latitude 32.24162N Longitude 75.614582 E and area of one acre is mentioned as under this unit. That the applicants even served two legal

notices dated 26.02.2025 & 04.03.2025 on the Authorities but no action taken . The Copy of Legal notices along with photographs are enclosed as Annexure A-1/A & A-1/B.

10. That para no.10 of the reply is mentioned to mislead the Hon'ble tribunal & hence requested not to be considered.

11. That the para no.11 of the reply is incorrect & denied . The respondent no. 9 & 10 has filed false affidavit to misrepresent & mislead the Hon'ble Tribunal.

Therefore, in view of above detailed facts mentioned in the rejoinder & the OA the reply filed by Respondent no 9 & 10 is liable to be rejected.

PRAYER

It is therefore humbly prayed before the Hon'ble Tribunal to kindly consider the aforesaid submissions filed by the Applicant in response to the reply filed by the Respondents no. 9 & 10.

Verified that the Contents of the above paras of the plaint are true & correct to the best of my knowledge & belief

Verified at Pathankot

On Dated- 10.09.2025

Sudesh Singh

Abdullah Sult

Abdullah Sult
Sudesh Singh
.....Applicant

Through Counsel

Mrs. Mena Tarnaich
Advocate Pathankot

Mena Tarnaich

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VS
STATE OF PUNJAB & OTHERS RESPONDENTS

AFFIDAVIT

I, Sudarshan Singh aged about 47 years S/o Shri. Bishamber Singh r/o Village
Nehru Nagar , Dhaki Road ,Pathankot tehsil & dist Pathankot do hereby solemnly
affirm and declare as under :

1. That I have filed the accompanying Rejoinder to the to the Reply filed by the
Respondent No. 9 & 10 and thus well being and acquainted with facts and
circumstances of the case and thus competent to swear this affidavit.
2. That the accompanying Rejoinder has been drafted by my counsel under my
instructions and contents thereof have been read over and explained to me in my
vernacular which are true and correct to my knowledge, the contents thereof may
kindly be read as part and parcel to this affidavit also and not repeated herein.
3. The contents as stated above are true and correct to my knowledge and belief.



Sudarshan Singh
Deponent

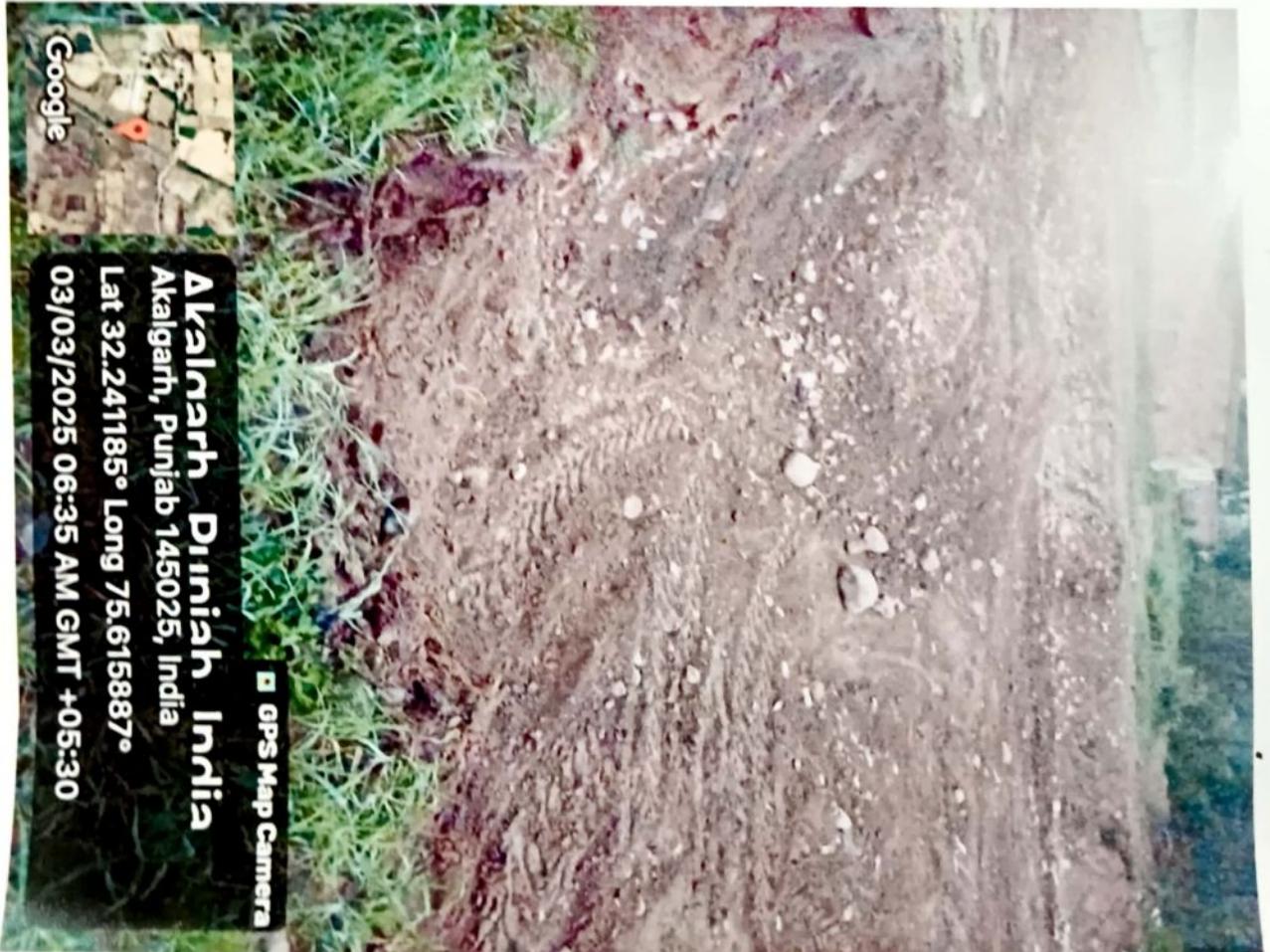
... on 10.09.2025 at Pathankot that the contents of the present application
are true and correct and nothing has been concealed therefrom.

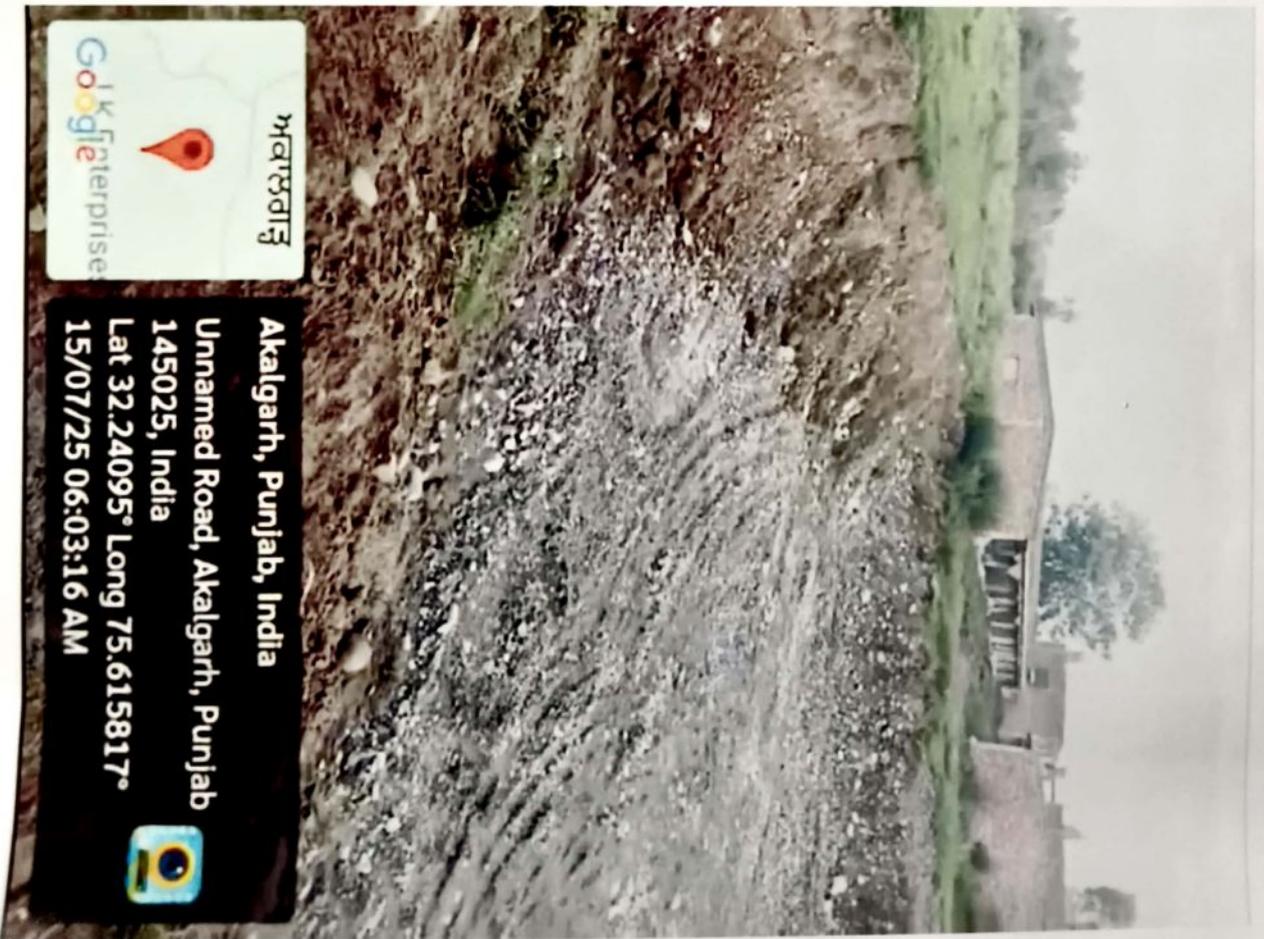
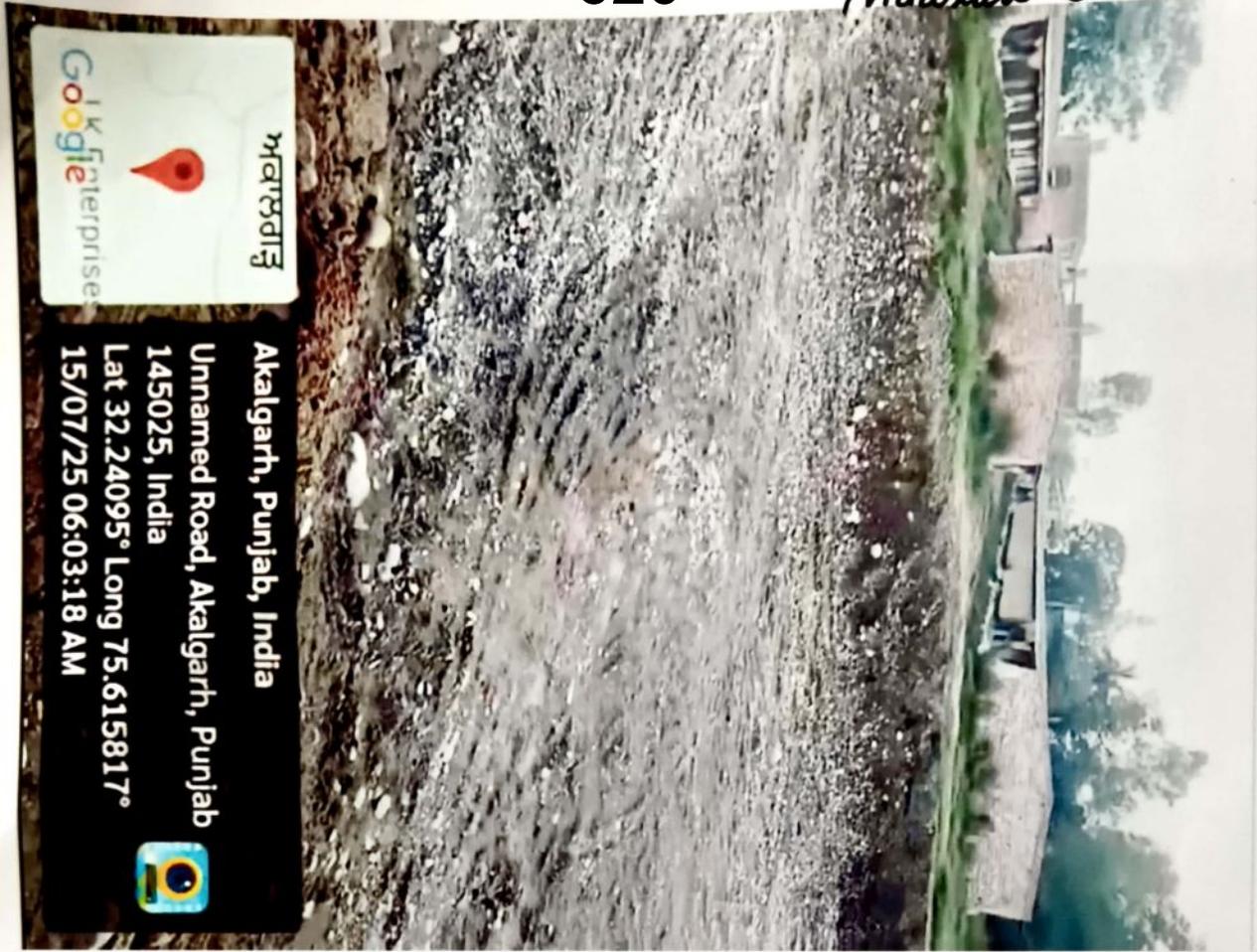
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...Certified that above affidavit was declared
on Oath before me on.....
At Pathankot by Sh./Smt. *Sudarshan Singh*
S/W/D/o Sh. *Bishamber Singh*
who is personally known to me, or is identified by
Sh./Smt. *Mene Jarnai Ad*
who is personally known to me, read & explained
to me deponent.

Sudarshan Singh
Deponent



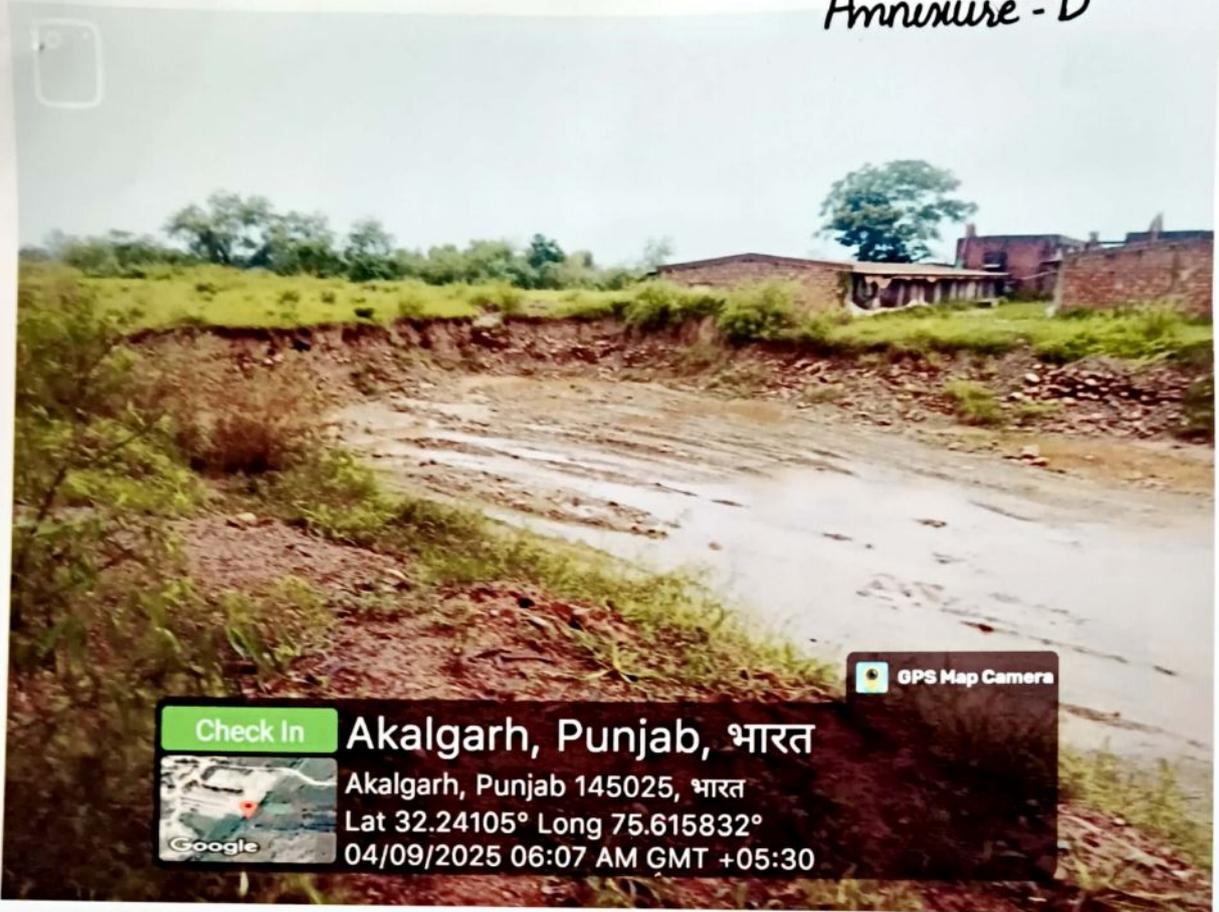




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Annexure - D

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