

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 1254 OF 2024**

IN THE MATTER OF:

Dr. Rupendra Singh

..... Applicant

Versus

U.P. State Pollution Control Board & Ors.

.....Respondent

INDEX**N.D.O.H: 15.12.2025**

S. NO.	PARTICULAR	PAGE NO.
1.	Rejoinder on behalf of the Applicant to the reply filed by the respondent no. 1 along with affidavit.	1 - 8
2.	<u>Annexure A.</u> Copy of the necessary photographs of the concerned mining site.	9 - 14
3.	Proof of service.	15

THROUGH :



MS. SEEMA PATNAHA
COUNSEL FOR THE APPLICANT
CHAMBER NO. 102, A. K. SEN BLOCK,
BHAGWAN DAS ROAD,
SUPREME COURT, NEW DELHI
CONTACT NO.: 9717299476

DATED:-12.12.2025

PLACE:- DELHI

EMAIL: SEEMAPATNAHA@GMAIL.COM

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 1254 OF 2024**

IN THE MATTER OF:

Dr. Rupendra Singh

..... Applicant

Versus

U.P. State Pollution Control Board & Ors.

.....Respondent

**REJOINDER ON BEHALF OF THE APPLICANT TO THE REPLY
FILED BY THE RESPONDENT NO. 1.**

MOST RESPECTFULLY SHOWETH: -

PRELIMINARY SUBMISSIONS: -

1. That at the very outset, it is submitted that all the averments made in the reply on behalf of the respondent no. 1 are without any merit and baseless and therefore petitioner denies and disputes each and every statement, contention and/or submission contained in the aforesaid reply which is contrary to and/or inconsistent with what is stated herein below and/or the records of the case, and unless specifically admitted herein, the same shall be deemed to have been denied in seriatim. No part of the reply on behalf of the respondent no.1 can be construed as being admitted merely on ground of non-traverse.

2. It is submitted that the main concern of the Applicant in filing the present Application is mentioned below :

- a) the respondent no. 4 and 5 have been utilizing their land in Gata No.1939 of Village Pahra (District Mahoba) for commercial purposes such as stone mining and quarrying, leading to severe air and land pollution in the adjacent residential area and agriculture lands.
- b) The aforesaid mine is situated about than 50 meters away from residential areas which is in violation of the regulation that prescribed that the distance of any quarry and mining area should be 200 metres from the Residential Area.
- c) The mining action violates environmental norms and poses a significant threat to the health and well-being of local communities.
- d) The indiscriminate mining and operation of blasting, stone crushers have resulted in the death of 5 workers due to rock collapse after blasting in March 12, 2024 and disturbances such as blasting, dust pollution, and structural damage to nearby residential areas.
- e) The Mining operations, particularly blasting activities by Respondent No 4 and 5 in Pahara village, industries have caused significant structural damage to villagers' homes, posing risks to their safety and well-being.

f) The mining operations conducted in close proximity to the residential area of the village violate the fundamental right to a clean environment and the right to health, which are integral components of the right to life.

3. It is submitted that the Hon'ble Tribunal vide order dated 19.05.2025 observed that the present Application raises substantial issue relating to compliance of environment norms. The relevant paragraph of the order dated 19.05.2025 is reproduced below for ready reference:

2. Submission of counsel for the Applicant is that in terms of the order of the Tribunal (Annexure A-1) minimum distance from the residential area should be 200 meters whereas the Respondents No. 4 and 5 are indulging in mining activity within 50 meters of the residential area. It is also the plea of the applicant that the Respondents No. 4 and 5 are not following the safety protocols and environmental regulations resulting into the accidents in that area. The OA raises substantial issue relating to compliance of environment norms.

4. It is submitted that in pursuance of the aforesaid order of the Hon'ble Tribunal the respondent no. 1 directed the Mining Officer, Mahoba regarding joint inspection of the project proponent in the present i.e. respondent no. 4 & 5. Accordingly, a joint inspection of the project proponent was conducted on 08.09.2025 comprising the officials of respondent no. 1 and the mining Department, Mahoba. It is pertinent to mention that in the aforesaid joint inspection report, the inspection team has failed to consider the substantial issues involved in the present matter and is silent on the said issue which plays a pivotal role in the determination of violation of environment norms and the regulations. The relevant factors not considered by the inspection team in their report are mentioned below:

- a) The report is silent on the distance of the area where the mining activities were taking place from the residential area as the minimum distance from the residential area should be 200 meters whereas the project proponents were indulging in mining activity within 50 meters of the residential area (**Annexure - A at page no. 9-10**).
- b) As per Annexure 2 at page 165 of the Reply, clause 1(ॐ) stipulated various conditions for approving the mining plan, wherein point no, 1 and 2 categorically stressed upon creating benches as it is considered as the safest manner of mining to prevent any accident at the mining site. The project proponent in the present case did not fulfil the said conditions and no benches were created at the mining site, which made the mining site an accident prone area and due to which the said mining site had collapsed and caused death and injury to labours (**Annexure-A page no. 9-10 before mining lease images and page no. 11-13 after mining**). However, the present report does not mention the fact that the mining was done in violation of the necessary conditions. The relevant conditions are mentioned below:

1. The height of the bench should be maximum 06 m and the width of the bench should be at least twice the height.

2. Mining will be done from top to bottom by forming benches.

.....

- c) As per Annexure 3 at page 183 of the Reply, clause 8 stipulated that the ultimate depth of the mining will be restricted to 30metres/water lever, whichever is less. However, the project proponents were

mining beyond the restricted ultimate depth and the inspection report is silent on the depth of the mining.

- d) The photographs already shows that the project proponent has continued illegal mining operations issuance of the notice after 5 March 12, 2024 after the death of workers (**Annexure-A page no. 14 and Annexure A-4 of original application page no.90**) However, in the inspection report it was only reported that the mines are non-operational.
- e) Inspection report did not consider/recorded violation of environmental norms by the project proponents and there is no whisper of illegal mining action of the project proponents which violated environmental norms and poses a significant threat to the health and well-being of local communities.

A copy of the necessary photographs of the concerned mining site is annexed herewith as **Annexure A**

5. It is submitted that the project proponent has been continuously violating the environmental norms and various conditions of mining plans and environmental clearance since the commencement of the mining operations; therefore, stringent monetary penalties and appropriate criminal proceedings are warranted for the deaths of labourers, as the primary cause of such horrific accident is the said unsafe vertical mining which led to the collapse of the mine.

PARAWISE REPLY TO THE COUNTER AFFIDAVIT

6. That the contents of para 1 save as a matter of facts or record, are wrong and denied.
7. That the contents of para 2-4 is a matter of record. Hence, it is not required to be replied. It is submitted that the contents of Application are reaffirmed and may be read in this regard and are not being repeated for the sake of brevity.
8. That the contents of para 5-10 save as are a matter of facts or record, are wrong and denied vehemently. It is submitted that the photographs already shows that the project proponent has continued illegal mining operations issuance of the notice after 5 March 12, 2024 after the death of workers (**Annexure-A page no. 14 and Annexure A-4 of original application page no.90**). However, in the inspection report it was only reported that the mines are non operational. It is submitted that the contents of Application are reaffirmed and may be read in this regard and are not being repeated for the sake of brevity.

The contents of prayer clause of the Application are reiterated and may be read in this regard and are not repeated for the sake of brevity.

THROUGH :



MS. SEEMA PATNAHA
COUNSEL FOR THE APPLICANT
CHAMBER NO. 102, A. K. SEN BLOCK,
BHAGWAN DAS ROAD,
SUPREME COURT, NEW DELHI
CONTACT NO.: 9717299476

DATED:-12.12.2025
PLACE:- DELHI

EMAIL: SEEMAPATNAHA@GMAIL.COM

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

ORIGINAL APPLICATION NO. 1254 OF 2024

IN THE MATTER OF:

Dr. Rupendra Singh

..... Applicant

Versus

U.P. State Pollution Control Board & Ors.

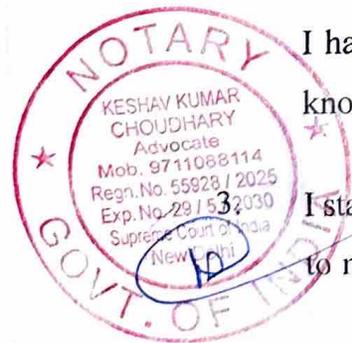
..... Respondent

AFFIDAVIT

I, Dr. Rupendra Singh, S/o Late Mr. Madan Pal Singh, aged about 39 years, R/o Village Bilbai, Mahoba Uttar Pradesh, presently at New Delhi, do hereby solemnly affirm and state as under:

1. That I am the Applicant in the above case and as such being conversant with the facts and circumstances of the case, I am competent to depose this affidavit.
2. That the accompanying Rejoinder has been drafted under my instructions. I have read the same and the contents thereof are true and correct to my knowledge and nothing stated therein is false or incorrect.

I state that the contents of the Rejoinder have been read over and explained to me in vernacular language and I have understood the meaning thereof



and the contents of the Rejoinder are true and correct to my knowledge and nothing stated therein is false or incorrect.

Keshav
I Identify The Deponent Who Has
Signed / Put T.I. In my Presence

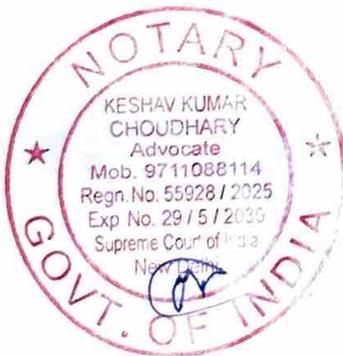
Abhishek Singh
DEPONENT

VERIFICATION:

I, the abovenamed deponent do hereby verify that the contents of the above affidavit from paragraph 1 to 3 are true and correct to my knowledge and nothing material has been concealed or wrongly stated therein.

12 DEC 2025

Verified at New Delhi on this day of December, 2025.



ATTESTED
Keshav
KESHAV KR. CHOUDHARY
ADVOCATE, NOTARY, DELHI
Regn.No.- 55928/2025
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA, NEW DELHI
Mob. 9711088114
REGISTER Pg/SI. No. *10 dt*.....

12 DEC 2025

Abhishek Singh
DEPONENT

ATTESTED
Keshav
NOTARY PUBLIC
Mob. 9711088114

279 ANNEXURE - A

