

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH PUNE, AT PUNE

APPEAL NO. 641 OF 2025

[Appeal u/s 16 (h) read with Section 18 (1) of the National Green Tribunal Act, 2010]

IN THE MATTER OF

Shamshir Abdul Wahab Khan

...Appellant

VERSUS

The State Environment Impact Assessment Authority,

Maharashtra & Ors.

...Respondents

**REJOINDER TO THE REPLY DATED 12.02.2026 FILED BY THE
RESPONDENT NO. 1 .**

(FOR INDEX KINDLY SEE INSIDE)

ADVOCATES FOR THE APPELLANT:

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Place: New Delhi

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REJOINDER TO THE REPLY DATED 12.02.2026

FILED BY THE RESPONDENT NO. 1.

TO,

THE HON'BLE CHAIRPERSON

AND THE HON'BLE COMPANION MEMBERS,

OF THE HON'BLE NATIONAL GREEN TRIBUNAL.

It is most respectfully submitted on behalf of the Appellant as under:

1. The Appellant, vide the present Appeal u/s 16 (h) of the National Green Tribunal Act, 2010 has challenged the Environment Clearance dated 16.12.2025 granted by the Respondent No. 1 for undertaking sand mining at the Dhanori Sand Ghat over an extent of 4.5 Ha at Wainganga River Bed, adjoining Gat Nos. 181/1,

180/2, 181, 579, 182, 183 at Village Dhanori, Tehsil Pauni, District Bhandara, Maharashtra.

2. The Appellant has filed the present Appeal, *inter alia* on the grounds that:
 - a. The Replenishment Study, forming a part of the District Survey Report is fundamentally defective and therefore, no Environment Clearance could be accorded, on a fundamentally defective District Survey Report.
 - b. No Mining Plan was submitted by the Respondent No. 3, in the proposal for grant of Environment Clearance.
 - c. No Pre-Feasibility Report was submitted along with the proposal for the grant of Environment Clearance.
 - d. No recommendation of the Sub-Divisional Committee in terms of the Appendix X to the EIA Notification 15.01.2016 has been taken for proposing the said Sand Ghat for Environment Clearance, and
 - e. No application of mind by the Respondent No. 1 to the proposal of the Respondent No. 2.
3. The Respondent No. 1, has half-heartedly made an attempt to Reply to the contentions raised by the Appellant in the present Appeal. However, the contentions raised by the Respondent No. 1, in its Reply are far-fetched and are completely contrary to law and therefore, no contentions raised by the Respondent No. 1 in its Reply are deemed to have been admitted by the Appellant, unless, specifically admitted herein and no contention thereof, shall be deemed to be admitted for reasons of non-traverse.
4. The contentions of Para 1, 2 and 3 of the Reply are a matter of record and as such, need no Reply.
5. The contentions raised by the Respondent No. 1 in its Reply at Para 4 that the Appellant is indirectly challenging the procedure adopted for preparation and finalisation of the District Survey Report by challenging the Impugned Environment Clearance, is denied for reasons stated hereinbelow:

- a. The issue as to whether a DSR which is approved, without proper replenishment study and assessment of bulk density, can be subsequently challenged is no longer *res integra*. The Principal Bench of this Hon'ble Tribunal has already taken a view that a DSR which is approved without conducting a proper replenishment study and assessment of bulk density is liable to be set aside, with a direction to the authorities to revise the DSR to bring the same in conformity with the Notifications dated 15.01.2016 and 25.07.2018 as well as the Sustainable Sand Mining Guidelines, 2016 and the Enforcement and Monitoring Guidelines for Sand Mining, 2020. Thus, even though a DSR is approved, if the same has been approved without undertaking proper replenishment study, the DSR is bound to be set aside with a direction to the Authorities to revise the DSR, to bring the same in conformity with law. Thus, an approved DSR, which is without proper replenishment study and assessment of bulk density, can be subsequently challenged even if previously, there was no challenge to the draft DSR in terms of Appendix X of the Notification dated 15.01.2016. Thus, the contention raised by the Respondent No. 1 in its Reply at Para 4 that a DSR, which is approved without a proper replenishment study being conducted, cannot be subsequently challenged, is contrary to the law laid down by this Hon'ble Tribunal.
- b. Furthermore, the Hon'ble Supreme Court has also categorically held that in terms of the Notification dated 15.01.2016 as well as the Notification dated 25.07.2018 and the Sand Mining Guidelines of 2020, the absence of a Replenishment Study renders a DSR fundamentally defective. In view of the existing legal regime that mandates preparation of a Replenishment Report in a scientific manner and such a Report forming an integral part of the DSR, the DSR without a proper Replenishment Study is untenable. The Hon'ble Supreme Court has also held that the SEIAA would compromise with regulatory integrity if an Environment Clearance is granted on the basis of a

DSR, without a Replenishment Study. Thus, an Environment Clearance granted despite the DSR not being prepared in accordance with law, especially in the absence of a proper Replenishment Study being conducted, is a ground by itself enough to set aside the Environment Clearance granted on a fundamentally defective DSR, in the absence of a proper Replenishment Study.

- c. From the contentions raised hereinabove, by the Appellant, it is most respectfully submitted that a DSR which has been prepared and approved without proper Replenishment Study ought to be set aside and the Authorities ought to be directed to revise the DSR to bring the same in conformity with law. Furthermore, the approval of the DSR, without a proper Replenishment Study having been conducted, renders the DSR fundamentally defective and no Environment Clearance can be granted on a fundamentally defective DSR. Thus, the contentions raised by the Respondent No. 1 in Para 4 do not have support in law and therefore ought not to be relied upon.
- d. Furthermore, the Hon'ble Supreme Court has categorically held that under the EIA Notification, 2006, the EAC as an expert body is under an obligation to make an expert determination based on reasons. Therefore, the SEAC while considering the Project in its Meeting held on 04.12.2025, was under a statutory obligation to scrutinize all the relevant aspects of the Project and the recommendations made by the SEAC to SEIAA, ought to have been based on reasons. Therefore, considering the contours of the EIA Notification, 2006, the SEAC was under an obligation to apply its mind to the fact that the DSR was approved without undertaking a proper Replenishment Study and therefore, ought not to have recommended the grant of the Environment Clearance. However, on perusing the Minutes of the Meeting dated 04.12.2025, there not even a whisper of a discussion as to whether a proper Replenishment Study has been conducted as per the DSR. On a clear non-application of mind and in the absence of a detailed scrutiny, the SEAC

recommended the Respondent No. 1 to grant the Impugned EC. The Respondent No. 1 furthermore in the Minutes of the Meeting dated 09.12.2025 accepting the recommendations of SEAC to be the gospel, without any further discussion as to whether the DSR has been approved by undertaking a proper Replenishment Study, decided to grant the Environment Clearance to the Respondent No. 3. The failure to consider material on a vital issue and indeed, the non-consideration of vital issues, raises a substantial question of law and the failure of the adjudicatory authority to make an expert determination based on reasons can definitely be a ground to challenge the grant of EC u/s 16 (h) of the NGT Act, 2010. Therefore, in the absence of a proper Replenishment Study, the DSR in the present case is fundamentally defective and no Environment Clearance can be granted on a fundamentally defective DSR, can be a ground for challenge for consideration u/s 16 (h) of the NGT Act, 2010 before this Hon'ble Tribunal.

6. The Respondent No. 1 in Para 5 has tried to take solace in the observations made by this Hon'ble Tribunal in the Order dated 05.01.2026. The Respondent No. 1 in its Reply at Para 5 has only relied on Para 8 of the Order dated 05.01.2026, passed by this Hon'ble Tribunal. However, the Respondent No. 1 has failed to consider the observations made by this Hon'ble Tribunal in Para 9 & 10 of the said Order. Considering the submissions made by the Ld. Counsel appearing on behalf of the Appellant in Para 9 & 10 of the Order dated 05.01.2026, this Hon'ble Tribunal was pleased to admit these Appeals and directed Notice to be issued to the Respondents returnable within 2 weeks. Also, vide Para 18, this Hon'ble Tribunal was also pleased to direct that the prayer for interim relief, as sought by the Appellant in the present Appeal, would be heard and decided by this Hon'ble Tribunal, only after hearing the other side. Thus, the observations made by this Hon'ble Tribunal in Para 8 were merely in the form of an *obiter* and were not the findings or directions of this Hon'ble Tribunal. This Hon'ble Tribunal, while hearing the

prayer for the grant of interim relief, was also to consider as to whether an approved DSR can be subsequently challenged, if at all, the DSR was approved on an improper Replenishment Study being conducted. The issue as to whether an approved DSR due to lack of proper Replenishment Study can be challenged, has been duly replied hereinabove in Para 5 (a) to 5 (d) and therefore, the contentions raised by the Respondent No. 1 that the present Appeal filed by the Appellant ought to be rejected on this ground itself, is not supported in law.

7. As far as the contentions raised in Para 6 that the Order dated 05.02.2026, passed by this Hon'ble Tribunal has indirectly allowed illegal sand mining to fester, by itself, speaks more about the incapacity of the State Machinery to regulate sand mining. Previously, where illegal mining was being undertaken, the Director, Mines and Geology Department of the State, constituted a District Level Task Force in every District to ensure that illegal mining does not take place. The Respondent No. 1, instead of making any such endeavour to constitute a District Level Task Force, which shall regulate illegal sand mining, on the contrary is defending an Environment Clearance granted contrary to law, allowing the Environment to be depleted and also making no endeavour whatsoever to regulate the illegal sand mining. Furthermore, the Order dated 05.02.2026, as passed by this Hon'ble Tribunal was also passed as a consequence of the Respondent Authorities failing to submit their Replies within the time granted by this Hon'ble Tribunal. Thus, the overall conduct of the Respondent No. 1 is to allow the sand mining operations to be undertaken at the cost of the environment, without the Respondent No. 1 fulfilling its obligations as an expert domain authority to curb sand mining contrary to law. As far as the locus of the present Appellant is concerned, besides making a bald allegation, the Respondent No. 1, by no means has been able to substantiate that the present Appeal is a surrogate litigation and a larger conspiracy supporting illegal mining. The bare perusal of the grounds

raised in the Appeal clearly demonstrate that the impugned EC has been granted without following the due process of law and therefore, this Hon'ble Tribunal vide its Order dated 05.01.2026, was *prima facie* pleased to admit the Appeals and issue Notice to the Respondents. Thus, the Respondent No. 1 is put to strict proof, with regards to the contentions raised in Para 6 and the same are in any case, denied.

8. As far as the contentions in Para 7 are concerned, the Respondent No. 1 has merely reproduced the findings of the Hon'ble Supreme Court in the judgment reported as 2022 SCC Online SC 1469. However, the Respondent No. 1 has miserably failed to demonstrate as to how the law enunciated by the Hon'ble Supreme Court under Article 141 of the Constitution of India, in the judgment reported as 2022 SCC Online SC 1469 is applicable to the facts and circumstances of the present case. Be that as it may, the Hon'ble Supreme Court, in a series of judgments has categorically held that vague aspersions on the intention of public spirited individuals does not constitute an adequate response to those interested in the protection of the environment. The Respondent No. 1 in Para 7 besides making vague aspersions on the intention of the Appellant, has not been able to demonstrate, in any way *mala fides* at the behest of the Appellant. Thus, without disputing the law laid down by the Hon'ble Supreme Court in 2022 SCC Online SC 1469, the contentions in para 7 are denied.
9. The contentions in Para 8 seem to be a whim of the Ld. Scientist, who seems to have affirmed the present Reply of the Respondent No. 1. The Respondent No. 1 has failed to consider that the present Appeal is a statutory Appeal u/s 16 (h) of the NGT Act, 2010 challenging the grant of Environment Clearance. On perusing the National Green Tribunal (Practice and Procedure) Rules, 2011, under Rule 12 of the Rules, if and only if the Appellant seeks a compensation, the Appeal shall be accompanied by a fee, equivalent to 1% of the amount of compensation claimed, subject to a minimum of Rs. 1000/-.

However, under sub-Rule 2 of Rule 12, an Appeal where no compensation has been claimed, shall be accompanied by a fee of Rs. 1,000/-. Thus, the Appellant has already paid the requisite fee in accordance with law. However, the Respondent No. 1 in its contention in Para 8 asking the Appellant to deposit Rs. 1 Lakh per Appeal is not supported by any rule of law and therefore, needs no reply.

10. The contentions in Para 9 as such, are reiterations of the grounds of challenge raised by the Appellant in the present Appeal and as such, need no reply.

11. As far as the contentions in Para 10 are concerned, the Appellant has categorically raised a contention that the Replenishment Study, forming a part of the DSR is fundamentally defective as the Replenishment Study has not been conducted in terms of the Clause 5 of the Sand Mining Guidelines, 2020. The Hon'ble Supreme Court has already held that the existing legal regime, mandated preparation of the Replenishment Study in a scientific manner, which is enumerated in detail in Clause 5 of the Sand Mining Guidelines, 2020. The detailed Replenishment Report in a scientific manner, forms an integral part of the DSR. Clause 5 of the Sand Mining Guidelines, 2020 clearly demonstrates how a Replenishment Study ought to be prepared. Any replenishment study, which does not fulfil Clause 5 of the Sand Mining Guidelines, 2020 is inadequate and a DSR based on an inadequate Replenishment Study is untenable. The Respondent No. 1 in Para 10 has not at all categorically shown that the Replenishment Study undertaken by the Respondent No. 3 for the DSR is in strict compliance of Clause 5 of the Sand Mining Guidelines, 2020. The Appellant has come up with a categorical case that the Replenishment Study undertaken by the Respondent No. 3 (*@Pg. 378 of the Appeal Paperbook*) is not in strict compliance of Clause 5 of the Sand Mining Guidelines, 2020. The averments in Clause 10 are vague and by no stretch of imagination can be construed to show compliance of Clause 5 of the Sand Mining Guidelines, 2020.

12. On perusing the contentions raised by the Respondent No. 1 in Para 11, it corroborates the case of the Appellant that the Respondent No. 1, even though being an expert adjudicatory authority, has failed to appraise the grant of Environment Clearance by undertaking a detailed scrutiny of the Application and the other documents, like the DSR, Pre-Feasibility Report, Form 1M and the Mining Plan, submitted by the Respondent No. 3 to the Respondent No. 1 for the grant of an EC. The SEAC is under a mandate to conduct the process of appraisal in a transparent manner and make categorical recommendations, which must be based on reasons. A mere undertaking by the District Collector and the District Mining Officer, that the DSR, Replenishment Study, identification and finalization of sand ghats and the associated technical assessments had been prepared strictly in accordance with the Sand Mining Guidelines, 2020 cannot be merely accepted. The SEAC is bound to make categorical recommendations to the Respondent No. 1 and the recommendations must and must be based on reasons, after a detailed scrutiny by the SEAC. A mere undertaking of an Officer cannot be considered to be a detailed scrutiny by the SEAC to recommend to Respondent No. 1, the grant of EC, based on reasons. Thus, the contentions in Para 11 are inconsequential and only support the case of the Appellant that merely on the undertaking given by the Respondent No. 2 & 3, the Respondent No. 1 has granted the Impugned EC, without the SEAC individually undertaking a detailed scrutiny and in the absence of reason to recommend the grant of EC.
13. As far as the contentions in Para 12 are concerned, besides making bald contentions, the Respondent No. 1 has not been able to defend the said contentions by way of evidence. The Hon'ble Supreme Court has already held that the appraisal by the EAC is structured and defined by the EIA Notification, 2006 and the process of appraisal means a detailed scrutiny by the SEAC of the Application and other documents, like Form 1M, Pre-Feasibility Report, DSR and Mining Plan submitted by the Respondent No. 3

to the Respondent No. 1 for the grant of EC. The SEAC is under an obligation to conduct the appraisal in a transparent manner and on the conclusion of the proceedings, EAC has to make categorical recommendations to the Respondent No. 1 and the recommendations made by the SEAC to the Respondent No. 1 must be based on reasons. However, on perusing the Minutes of the Meeting dated 04.12.2025, there seems to be absolutely no deliberation of whatsoever nature by the SEAC as far as the improper Replenishment Study conducted for the purposes of DSR is concerned. Also, the perusal of the recommendations by the SEAC to the Respondent No. 1 does not specify reasons for the recommendations. Thus, from the Minutes of the Meeting dated 04.12.2025, of the SEAC, it is evident that the SEAC has failed to appraise the project by undertaking a detailed scrutiny and has summarily only on the basis of the statements made by the Respondent No. 3, on a complete non-application of mind, recommended the grant of EC.

14. As far as the contentions in Para 13 are concerned, the Respondent No. 1 is put to strict proof of the same as the Respondent No. 1 has not produced any data whatsoever, in support of the contention raised by the Respondent No. 1 in Para 13. The Respondent No. 4 vide its Office Memorandum dated 19.04.2021 has directed all the SEIAAs/ SEACs to ensure that all files for approval of ToR as well as EC be processed strictly through PARIVESH Portal only. It may be noted that non-adherence to the direction would invite adverse actions against the concerned SEIAA. The Respondent No. 1, in Para 13, has relied on the presentation made by the District Administration to demonstrate compliance of the Notification dated 15.01.2016 and 25.07.2018. At the outset, in terms of the Office Memorandum dated 19.04.2021 of the Respondent No. 4, only those documents which are uploaded on the PARIVESH Portal can be considered for the approval of ToR as well as EC. Thus, the Respondent No. 1 in the Reply ought to have demonstrated that the documents relied upon by the District Administration

as stated in Para 13 of the present Reply, were uploaded on PARIVESH, in terms of the Office Memorandum dated 19.04.2021 of the Respondent No. 4. However, Para 13 of the Reply maintains absolute silence as to whether the documents were ever uploaded on PARIVESH and the fact that the Respondent No. 1, for the grant of the Impugned EC has relied on the documents, which were never uploaded on PARIVESH, invites adverse action against the Respondent No. 1. Therefore, the Respondent No. 4, in terms of the Office Memorandum dated 19.04.2021, should immediately take action against the Respondent No. 1 for considering documents, which were never uploaded on PARIVESH for grant of Impugned EC. Para 13 of the present Reply is an admission of the said fact by the Respondent No. 1. A copy of the Office Memorandum dated 19.04.2021 of the Respondent No. 4 is enclosed herewith and marked as **ANNEXURE A-1**.

15. The contentions in Para 14 are also bald averments, without any documents in support of the same. The contentions raised in Para 14 hereinabove are reiterated as a Reply to Para 14 of the Reply filed by the Respondent No. 1.

16. The contentions in Para 12 and 13 hereinabove shall be read as a Reply to the contentions in Para 15 of the Reply filed by the Respondent No. 1

17. As far as the contentions in Para 16 are concerned, the Appellant agree to the fact that a DSR was submitted on PARIVESH for the purposes of grant of EC. What the Appellant in the present Appeal is challenging is that the DSR approved for the District of Bhandara has been approved without proper Replenishment Study being undertaken, more particularly in terms of Clause 5 of the Sand Mining Guidelines, 2020. An inadequate Replenishment Study renders the DSR untenable and therefore, no Environment Clearance can be granted on a defective DSR. Thus, vide the Reply, the Respondent No. 1 was under an obligation to show, by producing documents on record that the Replenishment Study undertaken for the DSR of District Bhandara, was in strict compliance of Clause 5 of the Sand Mining Guidelines, 2020. On

perusing the contentions raised by the Respondent No. 1 in Para 16 of the Reply, the same by no stretch of imagination demonstrate that the Replenishment Study undertaken for the DSR of District Bhandara was in strict compliance of Clause 5 of the Sand Mining Guidelines, 2020. The Respondent No. 1 ought to have shown through the Reply that when the proposal for grant of Environment Clearance was put for appraisal before the SEAC, the SEAC looked into the Replenishment Study undertaken by the Respondent No. 3 forming a part of the approved DSR and that the Replenishment Study was undertaken in strict compliance of Clause 5. As stated hereinabove, this Hon'ble Tribunal has already taken a view that a DSR approved due to lack of proper Replenishment Study is liable to be quashed and set aside and ought to be revised to bring the DSR in conformity with the Notifications dated 15.01.2016 and 25.07.2018 as well as the Sand Mining Guidelines, 2020. The Respondent No. 1 in Para 16 has miserably failed to show the strict compliance of Clause 5 of the Sand Mining Guidelines, 2020 as far the present project is concerned and therefore, this Hon'ble Tribunal ought to hold the DSR defective and direct the authorities to revise the said DSR.

18. As far as the contentions in Para 17 are concerned, the same have been aptly replied hereinabove and as such, need no reply.

19. The contentions in Para 18 are merely a reproduction of the contents of the DSR. It is not disputed by the Appellant that the Respondent No. 3 had submitted the DSR to the Respondent No. 1 for the grant of the Impugned EC. The contention of the Appellant herein is that the DSR which forms the basis of an Application for the grant of EC, was defective as the Replenishment Study was not undertaken in strict compliance of the Clause 5 of the Sand Mining Guidelines, 2020. As held by the Hon'ble Supreme Court, it was the SEAC, who under the 2006 Notification, while undertaking the appraisal of the project was to undertake a detailed scrutiny of the

Application and the documents such as Form 1M, Pre-Feasibility Report, DSR and Mining Plan submitted by the Respondent No. 3. On the basis of the documents submitted by the Respondent No. 3, the SEAC was to make categorical recommendations to the Respondent No. 1 and the recommendations of the SEAC ought to have been based on reasons. Therefore, the Minutes of the Meeting of the SEAC dated 04.12.2025 ought to have demonstrated cogent reasons by the SEAC for making a recommendation to the Respondent No. 1. The Appellant states that therefore, it was the statutory obligation of the SEAC while recommending to the Respondent No. 1 for the grant of EC, to undertake a detailed scrutiny to verify as to whether the Replenishment Study undertaken by the Respondent No. 1 for the DSR of District Bhandara was in strict compliance of Clause 5 of the Sand Mining Guidelines, 2020. The Minutes of the Meeting dated 04.12.2025 of the SEAC do not show any such application of mind, to this issue. Therefore, merely relying on the DSR without an application of mind by the SEAC, which is reflected by way of reasons in the recommendation, the contentions in Para 18 are denied.

20. The contentions in Para 19 are a clear admission that the Mining Plan was never uploaded on the PARIVESH Portal. In terms of the Notification dated 15.01.2016 and more particularly Appendix XI (7) of the said Notification, a Mining Plan needs to be submitted along with Form 1M and the Pre-Feasibility Report for mining of minor minerals. In terms of the Office Memorandum dated 19.04.2021 of the Respondent No. 4, the Mining Plan ought to have been processed strictly through PARIVESH Portal only. On perusing the Letter dated 27.11.2025, the Directorate of Geology and Mining, Government of Maharashtra has addressed a Letter to the Respondent No. 3, merely stating that the Mining Plan has been approved to the sand ghats mentioned therein. However, the Respondent No. 3, for the purposes of grant of Environment Clearance, even though under an obligation to submit a copy

of the Mining Plan, has merely submitted the Approval Letter dated 27.11.2025. The contention of the Respondent No. 1 in Para 19 that the Mining Plan was deliberated at the time of appraisal is a farce as the Mining Plan was never submitted to the Respondent No. 1 by uploading the same on PARIVESH Portal, in terms of the Office Memorandum dated 19.04.2021. If at all, the SEAC and the Respondent No. 1 has considered documents which are not submitted through PARIVESH in terms of the Office Memorandum dated 19.04.2021, the Respondent No. 1 is liable for adverse action as contemplated in the Office Memorandum dated 19.04.2021. Thus, Para 19 is a clear admission of the fact that the Mining Plan was never submitted for the purposes of the grant of EC in terms of the Notification dated 15.01.2016, 25.07.2018 and Office Memorandum dated 19.04.2021 of the Respondent No. 4.

21. As far as the contentions in Para 20, 21, 22 and 23 are concerned, the Respondent No. 1 in the Reply has contended that since, Form-2 along with the Application at Sr. No. 38 on PARIVESH does not contain any column for the submission of Pre-Feasibility Report. Such contention of the Respondent No. 1 is absolutely erroneous as on clicking Form 2 on the PARIVESH Portal, at Sr. No. 38.10, the same allows the Project Proponent to upload Additional Documents, if any. It is stated that in terms of Clause 6 as well as Appendix XI (7) of the Notification dated 15.01.2016, it is mandatory for the Project Proponent to submit a Pre-Feasibility Report. Thus, it is evident that a Pre-Feasibility Report is mandatory compliance for the purpose of grant of EC. On perusing the contentions raised by the Respondent No. 1 in its Reply at Para 20, 21, 22 and 23, the Respondent No. 1 has maintained a silence as to whether, the Pre-Feasibility Report was uploaded on PARIVESH. The fact that the Respondent No. 1 has not made any statement with regard to the Pre-Feasibility Report being uploaded on PARIVESH, and in the absence of any denial to the contentions raised by the Appellant in the present Appeal, it

ought to be presumed that the Respondent No. 3 has not submitted the Pre-Feasibility Report on PARIVESH, for the grant of EC. A copy of the Form-2 as uploaded on the PARIVESH Portal by the Respondent No. 3 is enclosed herewith and marked as **ANNEXURE A-2.**

22. It is also submitted that the Appellant has a screenshot of the PARIVESH Portal, which clearly demonstrates that the Pre-Feasibility Report was never uploaded on the PARIVESH Portal in terms of the Office Memorandum dated 19.04.2021 of the Respondent No. 4. Considering that, in terms of Form 2, 38.10, of the PARIVESH Portal, where a Project Proponent can upload any additional file, it was the statutory obligation of the Respondent No. 3 to upload the Pre-Feasibility Report on the PARIVESH Portal, which is mandatory in terms of the Notification dated 15.01.2016. Thus, in the absence of the Pre-Feasibility Report being submitted to the Respondent No. 1 for the grant of the Impugned EC, only on this ground itself, the Impugned EC ought to be quashed and set aside.

23. As far as the contentions in Para 24, 25 and 26 are concerned, the same does not answer the question as to whether a Sub-Divisional Committee comprising of the Sub-Divisional Magistrate, Officer from Irrigation Department, State Pollution Control Board or Committee, Forest Department, Geology or Mining Officer, visited the Site for which Environment Clearance has been applied and made a recommendation on the suitability of the Site for mining or prohibition thereof, in terms of the Notification dated 15.01.2016 and 25.07.2018. The Reply of the Respondent No. 1 in Para 24, 25 and 26 begs to answer the contention raised by the Appellant that there was no recommendation by the Sub-Divisional Committee, obtained for the Site in terms of the Notification dated 15.01.2016 and 25.07.2018. Thus, it was necessary for the Respondent No. 1 to show the particulars and details as to when the Sub-Divisional Committee as contemplated in Notification dated 15.01.2016 and 25.07.2018, physically visited the Site for which, the

Environment Clearance has been applied for and ought to have produced on record, the recommendations of the Sub-Divisional Committee, with regards to the suitability of the Site for mining. The Paras 24, 25 and 26 do not provide any details and therefore, it ought to be held that no physical visit was ever undertaken by the Sub-Divisional Committee as constituted by the Notification dated 15.01.2016 and 25.07.2018 at the Site and the Sub-Divisional Committee never recommended the suitability of the Site for the grant of EC for the mining project.

24. On perusing the contentions of Para 27 in the present Reply, the Respondent No. 1 categorically admits to the fact that the SEAC as an expert authority is bound to apply its mind to the Replenishment Study, the DSR, the methodology of the surveys, the replenishment calculations, mining plan etc. It is not the case of the Respondent No. 1 that while appraising the project for grant of EC, the SEAC does not have to apply its mind at all. In this background, the only question therefore, that now arises whether the SEAC in its Minutes of the Meeting dated 04.12.2025, applied its mind as to whether the Replenishment Study forming a part of the DSR for District Bhandara was prepared in strict compliance to Clause 5 of the Sand Mining Guidelines, 2020. Neither the Replenishment Study which forms a part of the DSR, Minutes of the Meeting dated 04.12.2025 of the SEAC, the Minutes of the Meeting dated 09.12.2025 of the Respondent No. 1 and the Impugned EC dated 16.12.2025, categorically demonstrate that the Replenishment Study was conducted in strict compliance to Clause 5 of the Sand Mining Guidelines, 2020. Therefore, the Respondent No. 1 having admitted to the fact that the SEAC as an expert body, ought to apply its mind to the documents produced, such as Form 1M, DSR, Pre-Feasibility Report and the Mining Plan at the stage of appraisal and undertake a detailed scrutiny for recommending the grant of EC, the fact that the Replenishment Study conducted for the DSR prepared by the Respondent No. 3 for District of Bhandara 2025-2026, was

not in compliance with Clause 5 of the Sand Mining Guidelines, 2020, clearly shows a non-application of mind by the SEAC for recommending the grant of EC. Thus, the contentions raised in Para 27, 28, 29 and 30 are mere statements without any documents in support of the same.

25. The contentions in Para 31 need no reply.

26. Thus, the present Appeal filed by the Appellant ought to be allowed in terms of the prayers sought in the said Appeal.



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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

WESTERN ZONE BENCH, PUNE

APPEAL NO. 641 OF 2025 (WZ)



IN THE MATTER OF:

Shamshir Abdul Wahab Khan

... Appellant

Versus

The State Level Environment Impact Assessment Authority,
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... Respondents

AFFIDAVIT

I, Mr. Shamshir Abdul Wahab Khan, Age: Adult, Occ: Journalist, C/o Bilkis Qureshi,
Behind Takiya Darga, Bhandara, Maharashtra- 441 804 do hereby solemnly affirm and state
as under:

1. That I am the Appellant in the above-named Appeal. I am conversant with the facts and circumstances of the case and as such competent to swear the present Affidavit.
2. That the contents of the Paras 1 to ___ of the present Rejoinder are facts true to my knowledge and contains submissions and prayers to this Hon'ble Tribunal based on legal advice and the same is believed to be true and correct.
3. That the Annexures that may enclosed along with the present Rejoinder are true copies of their respective originals.

Shamshir
DEPONENT

VERIFICATION

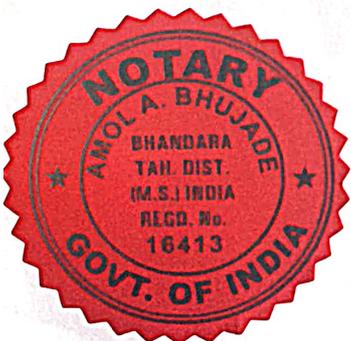
Verified at _____ on this _____ day of _____, 2026 that the contents of
the present Affidavit are true and correct and nothing material has been concealed therefrom.

Shamshir
DEPONENT

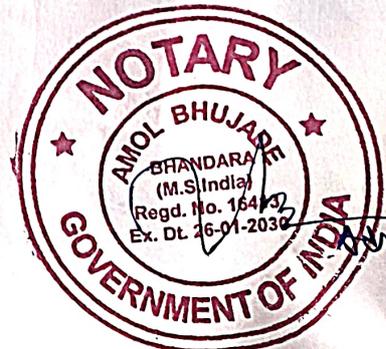


ATTESTED

Amol Bhujade
AMOLA BHUJADE
ADV & NOTARY
Tah. Dist. Bhandara (M.S.INDIA)



17 FEB 2026



ANNEXURE A-1

F. No 22-37/2018-IA III
Government of India
Ministry of Environment, forest and Climate Change
(IA-III Section)

Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi-3

Dated: 19th April, 2021

OFFICE MEMORANDUM

Sub: Complete processing of applications for grant of Terms of Reference (ToR) and Environmental Clearance (EC) only through PARIVESH Portal – Regarding.

Ministry vide Office Memorandum even number dated 23rd February, 2021 directed SEIAA to ensure that files for approval of Terms of Reference (ToR) as well as Environmental Clearance (EC) be processed strictly through PARIVESH only from 01st March, 2021 onwards.

2. It is observed that some of the SEIAA/SEAC are still processing the file on physical mode which is making it difficult to monitor the pendency at state level.
3. In light of the above, all the SEIAAs/SEACs are directed once again to ensure that all files for approval of ToR as well as EC be processed strictly through PARIVESH only. It may be noted that non-adherence to the above direction may invite adverse action against the concerned SEIAA.

This issues with the approval of the Competent Authority


(Sharath Kumar Pallerla)
Director (CPC)

To

1. The Chairman, all the SEIAAs
2. The member Secretary, all the SEIAAs

Copy to:

1. PS to Hon'ble Minister (EF&CC)
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to AS (RA)/AS(RS)
5. PS to JS(SKB)
6. PS to DDG, NIC
7. Sr. Director, NIC at MoEFCC

A handwritten signature in black ink, appearing to read 'Shahane', written over a horizontal line.**TRUE COPY**



Project Name:	Environment Clearance for Dhanori Sand Ghat over an extent of 4.5 ha at Wainganga River Bed Adjoining Gut No. 181/1, 180/2, 181, 579, 182,183, Village Dhanori, Tehsil Pauni, District Bhandara, Maharashtra by District Mining Officer Bhandara	Single Window Number:	SW/266591/2025
State:	MAHARASHTRA	Proposal Number:	SIA/MH/MIN/559194/2025
Submission Date:	28/11/2025	Current Status:	EC Granted

CAF

Form 2

Application for EC for Mining of Minor Minerals of Mine Lease (0-5 HA) - Form-2

Basic Information

14. Category of the Project/Activity

14.1. Item No. as per schedule to EIA Notification, 2006	1(a) Mining of minerals	Non-Coal Mining (Minor Minerals- river bed mining)
14.2. Capacity	4.50	Ha
15. Whether the Application for EC is being submitted for mining of Minor Mineral as New application or For re-appraisal under Ministry OM dated 28.04.2023 & 15.03.2024?	New	
16. Whether project is located in proximity of Protected Areas/Critical or Severely Polluted Area/Ecosensitive Area?	No	
17. Category of the Project as per EIA Notification, 2006	B2	
17.1. Whether proposal is required to be appraised at Central level?	No	
18. Whether any Forest Land involved in the project or part thereof	No	
19. Whether NBWL recommendation is required?	No	

Project Details

20. Details of CTE

20.1. Whether consent under Air & Water Act has been obtained from SPCB / UTPCC?	No
20.1.1. Reason thereof	NA
21. Whether the project/activity located in CRZ or ICRZ area?	No

Product Details

22. Details of Products & By-products

Name of Product	Product / By Product	Quantity / Capacity	Unit	Mode of Transport / Transmission	Remarks
Riverbed Sand	Product	23852	Brass	Road	

23. Whether any other Environmental Sensitive area exists within 10 Km from the project/activity boundary?	No
---	----

Note : Others, interalia, includes areas protected under international conventions/ Area important or sensitive ecological reasons/ Sensitive species of flora or fauna/ Inland or coastal/Tourist places/ Defence installations / Densely populated areas/ Areas containing important, high quality, or scarce resources/ Areas susceptible to natural Hazards

24. Benefits of the project

24.1. Social benefits of project or activity

this project will generate direct and indirect employment to the local villagers and will also contribute in the social and infrastructure development of the area

Construction Details

25. Use of resources for construction or operation of the project

25.1. Whether requirement of water involved in the project? Yes

Details of Water requirement during Construction stage

Source	Quantity in KLD Present	Quantity in KLD with Expansion	Method of water withdrawal	Distance from Source in mtr	Mode of Transport	Details of Permission
NA	0	0	NA	0	Tankers	

Details of Water requirement during Operational stage

Source	Quantity in KLD Present	Quantity in KLD with Expansion	Method of water withdrawal	Distance from Source in mtr	Mode of Transport	Details of Permission
Other	10	0	Others	1000	Tankers	

25.2. Other information, if any NA

25.3. Whether requirement of Minerals and/or fuels involved in the project? No

25.4. Construction material No

25.5. Electric Power: No

25.6. Whether any use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies) required? No

Physical Changes

26. Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality:

26.1. Whether any permanent or temporary change in land use, land cover or topography due to project activity? No

26.2. Whether any clearance of existing vegetation due to project activity? No

26.3. Whether any loss of native species or genetic diversity? No

26.4. Whether any closure or diversion of existing transport routes or infrastructure due to project leading to changes in traffic movements? No

26.5. Whether any closure or diversion of water bodies present in project area or realignment of water courses passing through project area? No

26.6. Whether any Facilities for storage of goods or raw materials? No

26.7. Whether any other information would like to submit? No

Pollution Details

27. Release of pollutants to Air and Mitigation measures

27.1. Whether any probable air pollutants generated? Yes

Air Pollution Source	Probable Pollutants	Mitigation Measures
27.2. Other information, if any	N/A	

28. Generation of Noise & Vibration and mitigation measures

28.1. Whether any probable generation of Noise and vibration from the proposed project? No

28.2. Whether any probable generation of light and Heat? No

29. Discharge of pollutants to water and mitigation measures

29. Discharge of pollutants to water and mitigation measures

29.1. Whether any probable water pollutants generated?	No
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1284**29.2. Details of reuse / recycle of wastewater**

Details	Qty / Capacity
29.2.1. Quantity of waste water generation per day (KLD)	0
29.2.2. Quantity of treated water proposed to use per day (KLD)	0
29.2.3. Quantity of treated water proposed to discharge outside the premises (KLD)	0
29.2.4. Purpose for which treated water is proposed to use	0

29.3. Whether it is proposed to opt/avail common off-site Sewage Treatment Plant (CSTP)/Effluent Treatment Plant (CETP) facility?	No
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29.4. Whether it is proposed to setup on-site Sewage Treatment Plant (STP)/Effluent Treatment Plant (ETP) facility?	No
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29.5. Whether any other mitigation measures proposed?	Yes
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29.5.1. Details thereof	Mobile Toilets for labours
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Water Requirements**30. Ground water intersection and water conservation measures:**

30.1. Whether ground water table intersection involved in the project activities?	No
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30.2. Area category from Groundwater availability perspective?	Safe
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30.3. Whether Rainwater harvesting proposed	No
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30.4. Whether any other water conservation measures proposed?	No
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31. Greenbelt

31.1. Area proposed for green belt (in Ha)	0.8
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31.2. Width of green belt (in m) along the boundary of the project or activity	2
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31.3. Percentage of the total area covered under green belt	17.77
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31.4. Details of the species proposed for plantation	Neem, Mango, Palas
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31.5. No. of tree saplings to be planted	1625
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31.6. Funds allocated for plantation in Lakhs.	8.12
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Waste Generation**32. Production of wastes during construction or operation or decommissioning**

32.1. Whether any generation of Solid waste (domestic wastes)?	No
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32.2. Whether any generation of plastic waste?	No
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32.3. Whether any generation of e-waste?	No
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32.4. Whether any generation of batteries waste?	No
--	----

32.5. Whether any generation of Bio-medical waste?	No
--	----

32.6. Whether any generation of hazardous wastes (as per Hazardous Waste Management Rules)?	No
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32.7. Whether any generation of construction or demolition wastes?	No
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32.8. Whether any generation of other wastes?	No
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32.9. Whether any generation of surplus products?	No
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32.10. Whether measures for waste minimization proposed?

No

33. Mining Proposals

33.1. Details of Letter of Intent (LoI) / Vesting order / Mining Lease

33.1.1. Date of issue of LoI/Vesting order/Mining Lease	21/11/2025
33.1.2. Validity of the LoI/Vesting order	30/09/2026
33.1.3. Lease Period	26/09
33.1.4. Date of expiry of lease	30/09/2026
33.1.5. Lease area (in Ha) as per LoI/Vesting order/Mining Lease	4.50
33.1.6. Production capacity (in MTPA) as per LoI / Vesting Order / Mining lease, if any prescribed	107334
33.1.7. Details of Lease renewal(s), if any	NA
33.1.8. Other information, if any	NA
33.2. Status of approval of Mining plan	Approved

33.3. Minerals to be mined

Name of Mineral	Classification	Production Capacity	Remarks
Riverbed Sand	Minor	107334	

33.4. Details of Total excavation (RoM) including Topsoil, Overburden, Mining waste, Rejects, etc.

33.4.1. Total excavation in MTPA	107334
33.4.2. Total Excavation in M.Cu.m/Annum	0.0675
33.4.3. Enter stripping Ratio	01:01
33.4.4. Other information, if any	NA

33.5. Mineral Reserves

Name of Mineral	Proved Reserves	Indicated Reserves	Inferred Reserves	Mineable Reserves	Remarks
Riverbed Sand	0.1073	0	0	0.1073	

33.6. Life of Mine (Years)

33.6.1. Life of the mine as per approved mining plan	26/09
33.6.2. Life of the mine as per total estimated reserves, if any	26/09
33.6.3. Other information, if any	

33.7. Type and method of Mining Method

33.7.1. Type of mining	Opencast
33.7.2. Method of mining	Manual
33.7.3. Other information, if any	

33.8. Type of blasting, if any, to be adopted

33.8.1. Type of blasting	NA
33.8.2. Mitigation measures for control of blast induced vibrations	NA
33.8.3. Other information, if any	

33.9. Whether it is proposed to install beneficiation plant/Coal washery within the mining lease area?

No

33.10. Whether it is proposed to install crusher within the mining lease area?

No

33.11. Dumping strategy

Description	Area in Ha	Maximum height in m	Remarks
External dump	0	0	0
Internal dump	0	0	0
Topsoil dump/ storage	0	0	0

33.12. Topsoil management

33.12.1. Total Topsoil excavated during the entire life of the mine (in Million Cubic Meter)	0
33.12.2. Utilization strategy of topsoil	0
33.12.3. Other information, if any	

33.13. Details of the Quarry/Mine Pit

33.13.1. Total Quarry Area (Ha)	4.5
33.13.2. Enter Area of final void (in Hectare)	4.5
33.13.3. Maximum Depth of final void (in meter)	1.5
33.13.4. Other information, if any	

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33.14. Details of Transportation

33.14.1. Mode of transportation upto pit head	Manual
33.14.2. Mode of transportation from pit head to siding/loading	Manual
33.14.3. Mode of transport from loading point to consumers	Road
33.14.4. Other information, if any	

33.15. Details of reclamation/post mining land use

33.15.1. Plantation area (ha)	0.8
33.15.2. Water body in Ha	0
33.15.3. Public use in Ha	0
33.15.4. Enter Other uses in Ha	0

33.16. Details of DSR; Cluster and Replenishment study

33.16.1. Whether approved DSR available	Yes
33.16.2. Whether the instant proposal is part of cluster	No

34. Production details for expansion / modernization proposals

Sanctioned Capacity(MTPA) as per

Financial Year	EC	CTO	Approved Mining Plan	Actual Production	Excess Production
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35. Impact Prediction

Air Quality Impact Prediction

Monitoring Location			Criteria Pollutant	Unit	Baseline Concentration [A]	Predicted incremental value considering worst case stability class [B]	Total GLC [A]+ [B]	Prescribed Standard
Lat	Long	Core/Buffer						
20° 45' 43"N	79° 41' 26" E	Core Zone	PM 2.5	Microgram per m3	0	0	0	100

36. Funds Allocated for Environment Management

36.1. Funds Allocated for Environment Management (Capital) (in Lakhs)	22.43
36.2. Funds Allocated towards Corporate Environmental Responsibility (in Lakhs)	2
36.3. Funds Allocated for Environment Management Plan (EMP) (Recurring per Annum) (in Lakhs)	24.67

Summary of allocation of fund for EMP

EMPs	Capital Cost (INR)	Recurring Cost per Annum (INR)
Total EMP Cost	22.43	24.67
Total	22.43	24.67

Consultant Details

37. Whether QCI/NABET Accredited EIA Consultant engaged?	Yes
37.1. Accreditation No. / Organization Id	ORG000998
37.2. Name of the EIA Consultant Organization	Open Arch Design and Enviro Solutions LLP, Vashi
37.3. Address	1104 & 1105, 11th Floor, Real Tech Park, Sector 30A, Vashi Navi Mumbai
37.4. Mobile No.	9892864543
37.5. E-mail Id	openarchdesign@outlook.com
37.6. Category of Accreditation (Eligible for Category A / Eligible for Category B)	A
37.7. Sector(s) of Accreditation	1,38,39,22,36,37,3,8,33
37.8. Validity of Accreditation	05/10/2028

38. Enclosures

38.1. Upload copy of approved mining plan from the concerned authorities	mining plan approval letter bhandara (112 sand ghats).pdf
--	---

38.2. Upload copy of District Survey Report	final dsr report bhandara.pdf	
38.3. Upload copy of Replenishment Study Report	replanishment study.pdf	
38.4. Letter of Intent / Mining Lease	mining plan approval letter bhandara (112 sand ghats).pdf	1287
38.5. Implementation of "Sustainable Sand Mining Management Guidelines, 2016" and Enforcement & Monitoring Guidelines for Sand Mining, 2020", in case of sand mining proposals	implementation of "sustainable sand mining management guidelines, 2016" and enforcement & monitoring .pdf Preview	
38.6. Compliance of Hon'ble Supreme Court Judgment dated 02.08.2017 passed in Common Cause vs Union of India writ Petition (C) 114 of 2014.	compliance of hon'ble supreme court judgment dated 02.08.2017 passed in common cause vs union of indi.pdf	
38.7. Cluster Certificate from state mines and geological department	cluster certificate.pdf	
38.8. Upload Copy of EMP Report.	emp_dhanori.pdf	
38.9. Layout Plan showing the components of the project and green belt proposed; general location and specific location of the project along with coordinates	plate 7.pdf	
38.10. Upload AdditionalFile File, if any (pdf only)	dlsmc letter.pdf	

39. Additional Information

S. No.	Document Name	Remark	Document
1	Prastav	Prastav	prastav_dhanori.pdf Preview
2	Form IM	Form IM	form Im dhanori.pdf Preview

Undertaking

40. I hereby give undertaking that the data and information given in the application and enclosures are true to be best of my knowledge and belief and I am aware that if any part of the data and information found to be false or misleading at any stage, the project will be rejected and clearance given if any to the project will be revoked at our risk and cost. In addition to above, I hereby give undertaking that no activity such as change in project layout, construction, expansion, etc. has been taken up without prior EC.

40.1. Name	sachin rambhau wadhav
40.2. Designation	District Mining Officer
40.3. Company	sachin rambhau wadhav
40.4. Address	District Mining Office, Office of the District Collector, Bhandara
40.5. Date	17-02-2026


TRUE COPY

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Adv Sangramsingh R Bhonsle <srb.chambers@gmail.com>

Service on the Respondents: Rejoinder of the Appellant to the Reply dated 12.02.2026 filed by the Respondent No. 1 in Appeal No. 641 of 2025 (WZ)

Adv Sangramsingh R Bhonsle <srb.chambers@gmail.com>

Tue, Feb 17, 2026 at 5:30 PM

To: aniruddha1488@gmail.com, psec.env@maharashtra.gov.in, ms@mpcb.gov.in, ps2mefcc@gov.in, lmc.moefcc@gov.in, nitindeshpande0311@gmail.com, collector.bhandara@maharashtra.gov.in, dmobhandara123@gmail.com, cs@maharashtra.gov.in

Cc: Adv Sangramsingh Bhonsle <sangramsinghbhonsle@gmail.com>

Ma'am/ Sir,

We are the Advocates appearing on behalf of the Appellant in Appeal No. 641 of 2025 (WZ) and other connected Appeals. Please find attached a copy of the Rejoinder of the Appellant to the Reply dated 12.02.2026 filed by the Respondent No. 1 in Appeal No. 641 of 2025 (WZ).

Kindly consider this email as service of the Rejoinder on your Office

Regards,

Sangramsingh R. Bhonsle

Advocate On Record

Supreme Court of India

H-5, Second Floor, Lajpat Nagar III,

New Delhi - 110024.

Mob- 9545809120

 **Final Rejoinder_R1.pdf**
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