

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****ORIGINAL APPLICATION NO. 576 OF 2025****IN THE MATTER OF:**

Gayatripal & Ors.

...Applicants

VERSUS

State of U.P. & Ors.

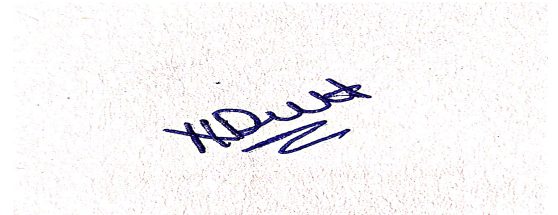
...Respondents

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APPLICANTS

THROUGH

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REJOINDER ON BEHALF OF THE APPLICANTS**MOST RESPECTFULLY SHOWETH:**

1. That the present Original Application was registered on the basis of a letter petition highlighting severe environmental degradation, destruction of public infrastructure, and health hazards caused by the illegal and disproportionate storage of sand/gravel at Gata No. 456, Village Bahadurpur, District Fatehpur, by Respondent Nos. 5 and 6.
2. That the Applicants have perused the Joint Committee Report, the Affidavit filed by the District Magistrate, Fatehpur (Respondent No. 2), and the replies filed by the Project Proponents (Respondent Nos. 5 and 6). The present Rejoinder is being filed systematically to address the findings of the state's inspections and to highlight the self-incriminating admissions of statutory violations by the Project Proponents that warrant immediate penal action.

I. SUBMISSIONS REGARDING THE JOINT COMMITTEE REPORT AND THE NEED FOR SCIENTIFIC ASSESSMENT

3. That it is respectfully submitted that the Joint Committee's inspection report, while accurately noting the physical state of the site on the scheduled date, appears to be based primarily on a preliminary visual assessment. To fully execute the mandate of this Hon'ble Tribunal to "*verify the factual position and take appropriate remedial action,*" a more in-depth empirical and scientific analysis is necessary.
4. That the Committee's report does not reflect that any Ambient Air Quality (AAQ) monitoring was conducted to assess particulate matter (PM 10 and PM 2.5) dispersion caused by the operations. Furthermore, no soil quality tests or agricultural impact assessments were conducted on the adjoining fields of the Applicants to determine the extent of silica/dust deposition on the topsoil. Therefore, the preliminary observation that crops were unharmed based on a visual glance warrants a more rigorous and methodical agricultural and environmental assessment.
5. That while the official reports have rightfully recorded multiple violations of the license terms by the Proponents—such as the absence of mandatory records and CCTV cameras—the reports do not yet indicate the initiation of penal or coercive action by the UPPCB or the Mining Department. It is respectfully urged that the State Authorities must be directed to take strict enforcement action against the Proponents for these admitted statutory violations.

II. ADMITTED NON-COMPLIANCE AS EVIDENCED BY THE REPORT OF THE DISTRICT MAGISTRATE

6. That the defenses taken by the Project Proponents are entirely negated by the candid and factual admissions made by the District Magistrate, Fatehpur, in his affidavit. The District Magistrate has explicitly recorded the missing infrastructure and compliance failures at the site.
7. That regarding the absence of mandatory records and CCTV, the DM's Affidavit at Paragraph 10 categorically states:

"10. That, during the course of inspection/survey, no sand/morrum mineral was found stored at the site in question. Further, no vehicles or transportation machinery were present at the time of inspection. It was observed that a display board was installed at the site; however, no CCTV camera was found installed, and no office, records, or documents pertaining to the licence holder were available thereat. Shri Anshu Singh, appearing as Representative of Respondent Nos. 5 and 6, also failed to produce any records relating to storage operations, weighbridge slips, or transportation documents."

8. That regarding the destruction of the public road, the DM's Affidavit at Paragraph 13 categorically states:

"13. That, during inspection, it was observed that the link road from Fatehpur-Augasi Highway to Village Sevaramau, leading up to the storage site (approximately 1.2 km), was found to be damaged, whereas the stretch beyond the storage site was found to be in proper condition. The Representative of the

Applicant attributed the damage to the movement of overloaded vehicles carrying sand/morrum."

III. VIOLATION OF STATUTORY FRAMEWORK (RULE 7 OF UP MINERAL RULES, 2018)

9. That the conduct of Respondent Nos. 5 and 6 is in direct violation of the statutory mandate laid down under Rule 7 of the Uttar Pradesh Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2018. The relevant extract of Rule 7, which dictates the general conditions for the grant of a Storage License, is reproduced hereinbelow:

"General conditions for grant of Storage licence. - The licence shall be granted in Form B subject to the following conditions:

(i) The licensee shall prominently display the sale price at the storage point.

(ii) The licensee shall deploy CCTV camera and check gates for proper monitoring of the stocks

(iii) The licensee shall maintain a correct and intelligible account of minerals procured and transported daily to different destinations in the format prescribed in e-form C / form C / form G which will be corresponding to the quantity of valid transit pass by which licensee has received the mineral.

(iv) The licensee shall submit the monthly return in Form E of the accounts maintained under clause (ii) and (iii) respectively for every month within the first week of the succeeding month to the District Officer;

(v) All the reports, returns and registers shall be maintained by the licensee and kept in the place of business and be made available to the inspecting officer;

(vi) The licensee shall not pollute the environment by storing the minerals or while utilizing them in the processing plant or beneficiation plant or the factory.

(vii) The licensee shall allow the inspecting officers of the Directorate of Mines to inspect the store, factory, processing plant, beneficiation plant to verify the stock of minerals and to take samples and extract of records;

(viii) The District Officer may impose such further conditions as may be necessary in the interest of the public."

10. That in light of the explicit statutory conditions mandated above, the Project Proponents have admittedly committed gross violations of the following sub-rules, as corroborated by the District Magistrate's own affidavit:

- Violation of Rule 7(ii): The admitted absence of CCTV cameras and check gates at the site completely paralyzes any mechanism for proper monitoring of the stocks.
- Violation of Rule 7(iii) & (v): The complete failure of the licensee's representative to produce any reports, returns, daily registers, or e-Form-C transit records at the place of business to the inspecting officers.
- Violation of Rule 7(vi): Creating massive dust pollution and causing the total destruction of public utilities (the 1.2 km link road) due to the movement of overloaded multi-axle heavy vehicles, thereby severely polluting and degrading the local environment.

11. That furthermore, the aforementioned admitted violations squarely attract the penalty prescribed under **Rule 10(1)** of the Uttar Pradesh Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2018. Rule 10 explicitly governs the "*Suspension or cancellation of storage licence*" and mandates that if any storage licensee violates the provisions of the rules or the terms and conditions of the licence, the District Officer is empowered to suspend or cancel the same. Since the District Magistrate's own inspection report establishes clear, admitted violations of the licensing conditions (absence of CCTV, registers, and check gates), the State Authorities are statutorily obligated to exercise their powers under Rule 10(1) to immediately suspend and cancel the Storage License of Respondent Nos. 5 and 6.

IV. REBUTTAL TO THE DEFENSES RAISED BY RESPONDENT NOS. 5 & 6

12. That the "*vacant land*" defense taken by the Proponents is merely a calculated evasion. Clearing a site prior to a pre-scheduled inspection is not proof of historical compliance. The admitted absence of a weighbridge, transit slips, and daily registers makes it impossible for the regulatory authorities to verify how much mineral was historically extracted or stored. The Proponents have deliberately withheld this data to hide the fact that they vastly exceeded their 50,000 cubic meter limit.
13. That Respondent No. 6 has defended the absence of CCTV cameras by claiming they are temporarily removed to "prevent theft by local miscreants." This defense is legally untenable and constitutes an outright admission of guilt. CCTV cameras are a non-negotiable statutory precondition for operating a storage

license to ensure state surveillance over mineral operations. A licensee cannot unilaterally suspend statutory surveillance infrastructure. By this admission alone, an adverse inference must be drawn against the Proponents.

14. That Respondent Nos. 5 and 6 cannot evade liability for the damaged link road by shifting the burden to the Public Works Department (PWD). As noted in Para 13 of the DM's report, only the exact 1.2 km stretch leading *up to* the storage site is completely destroyed, while the road beyond it remains intact. Rural link roads are not engineered for the continuous, heavy-axle pounding of multi-axle dumpers. The total destruction of this public infrastructure is a direct negative externality caused solely by the commercial enterprise of the Proponents.
15. That Respondent No. 5 claims immunity, stating he is merely a land co-owner and has no role in the business. It is submitted that a landowner cannot permit his agricultural property (Gata No. 456) to be converted into a commercial hub, reap the financial benefits of the land-use, and then claim immunity from the resulting environmental degradation. Both brothers are jointly and severally liable.

V. REQUEST FOR INDEPENDENT SCIENTIFIC ASSESSMENT AND INITIATION OF PENAL ACTION

15. That in light of the preliminary nature of the Joint Committee's visual inspection, it is imperative that this Hon'ble Tribunal directs a supplementary, independent, and comprehensive scientific environmental audit of the site. Such an assessment must include scientific Ambient Air Quality (AAQ) monitoring and rigorous soil testing of the Applicants' adjoining

agricultural fields to evaluate the true extent of the ecological impact.

16. That predicated on the findings of the State Authorities regarding the absence of mandatory statutory infrastructure (CCTVs, weighbridge, and transit records) and the destruction of the public link road, the "*Polluter Pays Principle*" must be strictly applied. The Project Proponents cannot be permitted to internalize profits while externalizing infrastructural costs onto the State Exchequer. Therefore, the UPPCB must be directed to assess and levy Environmental Compensation (EC) against Respondent Nos. 5 and 6. Concurrently, owing to the admitted violations of Rule 7 of the UP Mineral Rules, 2018, the District Magistrate must be directed to take strict administrative action, including the suspension/cancellation of the storage license operating on Gata No. 456.
17. That to substantiate the averments made hereinabove and to demonstrate the actual ground reality, the supporting pictures depicting the destroyed public link road and the surrounding site conditions are annexed herewith as **Annexure A-1**

PRAYER

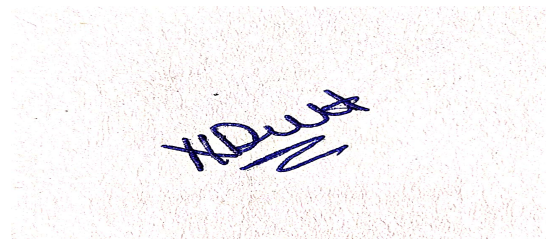
In view of the facts and circumstances stated above, it is most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

- a) Direct a supplementary, independent scientific assessment of the ambient air quality and top-soil degradation of the adjoining agricultural fields to assist and conclude the fact-finding process;

- b) Reject the replies and defenses raised by Respondent Nos. 5 and 6 as being evasive and containing admissions of violating Rule 7 of the UP Mineral Rules, 2018;
- c) Direct the District Magistrate/District Officer, Fatehpur ,to invoke his statutory powers under Rule 10(1) of the UP Mineral Rules, 2018, and take immediate coercive action, including the suspension and cancellation of the storage license operating at Gata No. 456, for admitted non-compliance with the licensing conditions;
- d) Direct the UPPCB to assess and levy Environmental Compensation upon Respondent Nos. 5 and 6 under the "*Polluter Pays*" principle for operating without mandatory environmental safeguards and causing infrastructural damage;
- e) Direct that the entire cost for the reconstruction of the 1.2 km Khansenpur to Sevrarau link road be recovered strictly from Respondent Nos. 5 and 6; and
- f) Pass any such other and further orders as this Hon'ble Tribunal may deem fit and proper in the interest of justice.

APPLICANTS

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ANNEXURE 1





