

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
AT NEW DELHI**

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**ORIGINAL APPLICATION NO. 1050 OF 2024**

(Under Section 18 (1) read with Sections 14, 15, 16, 17 of the National  
Green Tribunal Act, 2010)

**IN THE MATTER OF:-**

**Ritisha Gond** \_\_\_\_\_ **Applicant.**

Versus

**Union of India and others** \_\_\_\_\_ **Respondents.**

**REJOINDER ON BEHALF OF THE APPLICANTS TO THE REPLY FILED  
BY RESPONDENT NO. 7, 11, 15, 16 & 17 DATED 19.11.2024,  
16.11.2024, 19.02.2025, 20.11.2024 AND 20.02.2025 RESPECTIVELY.**

**PAPER BOOK**

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1.	Rejoinder on behalf of the applicant to the reply filed by respondent no. 7, 11, 15, 16 & 17 dated 19.11.2024, 16.11.2024, 19.02.2025, 20.11.2024 and 20.02.2025	1-27

Date: 08/10/2025

Place: Delhi

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**ABHISHEK KUMAR CHAUBEY**

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

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**ORIGINAL APPLICATION NO. 1050 OF 2024**

(Under Section 18 (1) read with Sections 14, 15, 16, 17 of the  
National Green Tribunal Act, 2010)

**BETWEEN:**

**Ritisha Gond** D/o Gopal Gond R/o Ward No. 1, Churk Bazar  
Churk, Tehsil -Robertsganj District Sonbhadra, Uttar Pradesh Pin  
Code-231206.

\_\_\_\_\_Applicant.

Versus

1. Union of India through Joint Secretary Ministry of Environment Forest and Climate Change Government of India, IIIrd Floor, Prithivi Block Indira Paryavaran Bhawan, Jor Bagh Road New Delhi 110003 Mo. 011-24695132, Email – mefcc@gov.in
2. State of Uttar Pradesh through the Chief Secretary, Government of Uttar Pradesh at Lucknow Bapu Bhawan, idhansabha Marg(U.P.)226001, Mo. 0522-2289212, Email- csup@nic.in
3. Principal Secretary (Geology and Mining) Govt. of U.P. at Lucknow (U.P.)226001, Mo. 0522-2205904, Email- dgmupexp@gmail.com
4. Principal Secretary, Forest and Wild Life, Govt. of U.P. Lucknow (U.P.)226001, Mo. 0522-2238669 Email- pseforest.up@nic.in
5. Principal Secretary, Home, Government of U.P. at Lucknow, Lucknow (U.P.) 226001, Mo. 18001215707 Email- ministeruppwd@gmail.com
6. Chairman National Wildlife Board, Government of India, Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi. 110003.
7. Member Secretary, Uttar Pradesh Pollution Control Board, TC 12, Vibhuti Khand, Gomti Nagar, Lucknow (U.P.)226016, Mo. 91-522-2720831 Email- feedback@uppcb.com

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8. Director Geology and Mining Uttar Pradesh Khanij Bhawan 27/8 Rajaram Mohan Rai Marg, Lucknow 226001. Mo. 0522-2205904 Email- dgmupexp@gmail.com
9. Deputy Director General of Forest (C), Integrated Regional Office Ministry of Environment Forest and Climate Change Kendriya Bhawan Vth floor Sector H Aliganj, Lucknow, 226020. Mo. 011-24695406 Email- monitoring fc@nic.in
10. Director, Mines Safety Varanasi region, Varanasi, Uttar Pradesh House no. S-2/639-36, Varuna Vihar Colony, Near JP Mehta Inter College, Central Jail Road, Varanasi, Uttar Pradesh, Pin: 221 002, std code: 0542; E-MAIL - dgmsvaranasi@gmail.com
11. District Magistrate, Sonbhadra (U.P.) 231216. Mo. 9454417569 Email- dmson@nic.in
12. District Mining Officer, Sonbhadra (U.P.) 231216 Mo. 8887534718 Email- Sonbhadramo@gmail.com
13. Divisional Forest Officer, Obra Forest Division, Obra Sonbhadra. 231219 Mo. 8887534718 Email- pccf-up@nic.in
14. Sub Divisional Magistrate, Obra, District Sonbhadra. 231219 Mo. 9454417569
15. M/s Radhe Radhe Enterprises through its Proprietor Shri Ram Asrey Agrahari Resident of 79, Chudi Gali, Ward -3, Parshoi, Tehsil Obra, District Sonbhadra. Pin -231219.
16. M/s Krishna Mining works through its proprietor Madhusudan Singh son of Shri Rambadan Singh resident of Hinauti, Police Station -Ghorawal, District Sonbhadra. Pin 231210.
17. M/s Sai Baba Stone Works through its Proprietor Smt. Anju Rai wife of Shri Dheeraj Rai residents of Billi Markundi, Pargana - Agori, Obra, Sonbhadra. Pin 231219.
18. M/s Kamakhya Stone Works through its Proprietor Smt. Anju Rai residents of Billi Markundi, Pargana -Agori, Obra, Sonbhadra. Pin 231219.

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**REJOINDER ON BEHALF OF THE APPLICANTS TO THE REPLY FILED BY RESPONDENT NO. 7, 11, 15, 16 & 17 DATED 19.11.2024, 16.11.2024, 19.02.2025, 20.11.2024 AND 20.02.2025 RESPECTIVELY.**

**MOST RESPECTFULLY SHOWETH:-**

1. That the above titled application is raising substantial question relating to the environment arising out of illegal mining being carried-out by the respondent no.15 to 18 out of approved lease area near the residential/public buildings/inhabited sites contrary to the regulation of CPCB as well as Directorate General of Mines Safety within the Danger Zone including reserve forest area, destroying completely the natural stream/Nala (situated at Araji No. 5006 Village Billi Markundi, Pargana Agori, Tehsil Obra District Sonbhadra) which was used to flow directly into the Son River which is one of the important tributary of river Ganges as well as by using heavy drilling/blasting machines as well as uncontrolled blasting at Billi Markundi, Pargana Agori, Tehsil Obra, District Sonbhadra on Arazi No. 5006 (Ka, Kha, Ga), 4823, 4821, 4814, 4847, 4849, 4850, 4851, 4860Mi., 4771, 4780, 4782, 4784, 4845, 4815Mi, 4816Mi, 4817Mi, 4818Mi, 4853Mi, 4820Mi, 4810Mi, 5414Ga, 5406, 5407Ka and 5411 respectively, causing environmental degradation as well as due to uncontrolled blasting within the heavy residential area/ITI Colleges/residential buildings are getting seriously affected and further heavy dust emission due to exhaust of vehicles and mining machineries containing gunpowder due to blasting for mining of boulder/dolo-stone out of lease area in dense reserve forest causing extensive adverse environmental impact like vibrations, noise, dust/toxic fumes and chemical contamination affecting the flora and fauna of the area

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especially large Python, Monitor lizards, Indian crusted porcupine, Snakes (Russell Wiper), Wild Cat, various species of monkey/Langur, Hyena, Jackal, fox, bear, the swamp deer, Chital, Chinkara, Black Buck, Spring Buck, wild boar, etc. found in adjacent forest/hill as well as nest of endangered bird species on adjacent mountains and forest area are also getting severely affected and also mining lease holders including the present project proponents (respondent no. 15 to 18) are extracting huge amount of ground water which got accumulated during their mining activities as they were carrying out their mining activities much below the permissible depth i.e. all the above mentioned project proponent are carrying out their mining operation much below the Phreatic Water Level which is more than 100 feet which is contrary to the guideline framed by the DGMS which results in huge extraction of underground water and is clearly glaring example of illegal extraction of ground water and as the whole District Sonbhadra has been declared as dark zone in regard to availability of underground water resources so this huge illegal extraction of underground water causing serious environmental degradation in the area and further disturbing the ecological balance of the area thus illegal mining of boulder/dolo-stone are being carrying out by respondent nos. 15 to 18 in contrary to the provisions of environmental law and various Hon'ble Apex Court and Hon'ble NGT orders/judgment thus all these activities are being carried out in violation of mandatory provisions of law such as Section 25 Water Prevention and Control of Pollution Act, 1974, Air Prevention and Control of Pollution Act, 1981, Indian Forest Act, 1927, forest Conservation, 1980, etc., Uttar Pradesh Minor Minerals (Concession) Rules 2021 as well as Mines and Minerals

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(Development and Regulation Act, 1957). It is further humbly submitted that on the complaint received in regard to the illegal mining by the several lease holders in District Sonbhadra including respondent nos. 15 to 18, a committee has been constituted for physical verification and inquiry of illegal mining out of lease area in the forest area by various project proponents/lease holders including respondent no. 15/ M/s Radhe Radhe Enterprises through its Proprietor Shri Ram Asrey Agrahari Resident of 79, Chudi Gali, Ward -3, Parshoi, Tehsil Obra, District Sonbhadra by the order of Director Geology and Mining, Lucknow in the month of July, 2023 and subsequently, committee had found illegal mining by mining lease holders including respondent no. 15 outside the lease area on forest land severely affecting wildlife in forest area at Village Billi Markundi, Tehsil Obra, District Sonbhadra on above mentioned araji numbers such as Araj No. 5006, violating the mandatory provisions of law as well as terms of reference/conditions Specifically mentioned in the environmental clearances issued by Ministry of Forest wildlife and Climate Change New Delhi and further fine have been imposed by mining department for illegal mining outside the approved lease area in forest land/mountain on the araji numbers mentioned above on the respondent no. 15. It is further submitted that the respondent no. 15/ M/s Radhe Radhe Enterprises through its Proprietor Shri Ram Asrey Agrahari Resident of 79, Chudi Gali, Ward -3, Parshoi, Tehsil Obra, District Sonbhadra have been found involved in doing illegal mining out of lease area on gata No. 5006 (*Pahad Khata/Nala*) and further fine of Rs. 88,40,750/- have been imposed upon him after physical verification and

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measurement of illegal mining as per U.P. Minor Minerals (Concession) Rules, 2021 as penalty.

2. That vide last Order dated 26.05.2025 all the respondents have been directed to file the reply whose reply is awaited and time has been granted also to the applicant to file rejoinder. The respondent no.7, 11, 15, 16 and 17 have filed their reply earlier vide dated 19.11.2024, 16.11.2024, 19.02.2025, 20.11.2024 and 20.02.2025 whereas no any reply till date have been filed by the respondent no. 18 as well as other remaining respondents. The applicant to the present rejoinder is filing response to the averments made in the replies mentioned above.
3. That it is submitted that the applicant denies all averments made in the replies dated 19.11.2024, 16.11.2024, 19.02.2025, 20.11.2024 and 20.02.2025 filed by respondent no. 7, 11, 15, 16 and 17, unless expressly admitted or are part of matter of record.

**I. REJOINDER TO REPLY FILED BY RESPONDENT NO.7  
DATED 19.11.2024**

4. That at the very outset it is submitted that reply filed by the respondent no.7 is devoid of merits and does not contained substantial aspects to the relief sought by the applicant i.e. in regard to illegal mining out of approved lease area near the residential/public buildings/inhabited sites contrary to the regulation of CPCB (respondent no.7) as well as Directorate General of Mines Safety within the danger zone including reserve forest area, destroying completely the natural stream/nala situated at Arazi No.5006 Village Billi Markundi, Pargana Agori, Tehsil Obra, District Sonbhadra and various other environmental degradation issues and further respondent no.7 had

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partially admitted serious violations of the specific conditions imposed in Consent to Operate (CTO) issued to the respondent no.15, 16, 17 and 18 dated 22.12.2022, 17.06.2023 and 19.05.2021 respectively which was found by the respondent no.7 during field visit of the concerned mining leases in question on dated 08.11.2024 to review the compliance status of environmental norms and Consent to Operate (CTO) issued by the UPPCB.

5. That the contents of para no.1, 2, 3 and 4 are formal in nature, hence needs no specific reply.
6. That the contents of para no.5 is admitted as it relates to the field visit by the Officials of the UPPCB (respondent no.7) of the concerned mining leases in question on dated 08.11.2024 to review the compliance status of environmental norms and Consent to Operate (CTO) issued by the UPPCB in view of the Order passed by this Hon'ble Tribunal in the present Original Application.
7. That the contents of para no.6 are partially admitted as it relates to the fact found during the field visit conducted by the officials of the UPPCB on 08.11.2024 to review the compliance status of environmental norms and Consent to Operate (CTO) issued by the UPPCB to the concerned mining leases of the respondent no.15 to 18 and from bare perusal of the reports annexed with the reply of the respondent no.7 it becomes crystal clear that illegal mining is being carried-out by the respondent no.15 to 18 violating the specific conditions imposed in CTO issued to them vide dated 22.12.2022, 17.06.2023 and 19.05.2021 respectively. It is further submitted that no any permission from SGWA/CGWA for extraction of underground water has been obtained by the respondent no.15 to 18 as well as they are not complying with the

specific conditions of the CTO issued to them thus there Consent to Operate should be revoked even in the finding/suggestion it has been specifically mentioned by the respondent no.7 that show-cause notices have been also been issued to the respondents seeking explanation in regard to revoking the Consent to Operate for want of non-compliance of the specific conditions mentioned in the CTO issued to them. It is also pertinent to mention here that during the field visit conducted by the Officials of the UPPCB (respondent no.7) no any exercise in regard to finding adverse impact on the human habitat residing near the mining areas due to mining activities which are being carried out within the close vicinity of the residential houses/public roads/educational institutes contrary to the mandatory prescribed distance criteria i.e. within 200 mtrs as held in O.A. No.304/2019 (M. Haridasan and others Vs. State of Kerala) Vide Order dated 21.07.2020 by which guidelines have been issued in regard to operation of stone quarries close to residences and public roads on the basis of report submitted by Central Pollution Control Board dated 09.07.2020 and further directed the criteria to be followed through out the India and also directed CPCB to monitor compliance of the said Order.

II. **REJOINDER TO REPLY FILED BY RESPONDENT NO.11 DATED 16.11.2024**

8. That at the very outset it is submitted that reply filed by the respondent no.11 is devoid of merits and does not contained substantial aspects to the relief sought by the applicant i.e. in regard to illegal mining out of approved lease area near the residential/public buildings/inhabited sites contrary to the regulation of CPCB (respondent no.7) as well as Directorate General of Mines Safety within the

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danger zone including reserve forest area, destroying completely the natural stream/nala situated at Arazi No.5006 Village Billi Markundi, Pargana Agori, Tehsil Obra, District Sonbhadra and various other environmental degradation issues and further it is submitted that in pursuance of direction passed by this Hon'ble Tribunal in the present application a Joint Committee has been constituted by the District Magistrate Sonbhadra (respondent no.11) vide Order dated 30.10.2024 consisting of DGMS Varanasi Region Varanasi, SDM Obra Sonbhadra, Prabhari Adhikari Directorate of Geology and Mining Sonbhadra, Regional Officer UPPCB Sonbhadra, District Mining Officer Sonbhadra, Sub Divisional Forest Officer Obra Forest Division Chopan Sonbhadra and Mines Surveyor and further Joint Committee had conducted spot visit of the above mentioned concerned mining leases and submitted its report dated 12.11.2024 which is halfhearted, malicious forged report giving clean chit to the concerned mining leases ignoring even earlier report of District Magistrate Sonbhadra itself in regard to illegal mining out of approved lease area as well as mining in the close vicinity of human habitat/residential complexes/educational institutes contrary to the guidelines of CPCB and Directorate General of Mines Safety etc.

9. That contents of para no.1, 2, 3 and 4 are formal in nature hence needs no specific reply.
10. That the content of para no.5 are partially admitted as it relates to the constituting Joint Committee by the District Magistrate Sonbhadra vide Order dated 30.10.2024 for conducting spot visit of the concerned mining leases for

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reviewing the factual status of the grievances made by the applicant.

11. That the contents of para no.6, 7, 8, 9 and 10 are not admitted as stated hence denied in reply thereto it is submitted that from bare perusal of the report of Joint Committee dated 12.11.2024 it becomes crystal clear that Committee had not conducted genuine inspection of the mining leases in question of respondent no.15 to 18 and the whole exercise is mere eye wash. It is further submitted that from bare perusal of the report it becomes crystal clear that respondent no.15 have been involved in the illegal mining outside lease area in regard to which show-cause notice dated 17.07.2023 have been issued by the District Magistrate Sonbhadra as well as fine of Rs.8840750/- have been imposed vide Order dated 14.08.2023 subsequently respondent no.15 have challenged the Order dated 14.08.2023 passed by District Magistrate Sonbhadra imposing fine in regard to illegal mining out of lease area before Hon'ble Allahabad High Court through Writ C No.25010/2023 (Ms. Radhe Radhe Enterprises Vs. State of U.P. and 2 others) which was allowed by Order dated 21.11.2023 and the Order dated 14.08.2023 passed by District Magistrate Sonbhadra is set-aside and further matter has been remanded back to the District Magistrate Sonbhadra for considering the reply of the Respondent no.15 and adjudicate the issues related to illegal mining outside the lease area as had been raised in the show-cause notice dated 17.07.2023 issued by District Magistrate Sonbhadra. It is pertinent to mention here that no any Order till date has been passed by the District Magistrate Sonbhadra in pursuance of the above mentioned Order dated 21.11.2023 passed by Hon'ble Allahabad High Court thus the issue of illegal

mining outside the approved sanctioned lease area by respondent no.15 as mentioned in the show-cause notice dated 17.07.2023 issued by District Magistrate Sonbhadra remains pending before the District Magistrate Sonbhadra.

12. That it is further submitted that in the report of the Directorate General of Mines Safety Varanasi Region Varanasi dated 13.11.2024 specifically states that all the concerned four mining leases of respondent no.15 to 18 lies within the danger zone i.e. 30 mtr to 300 mtr of the residential area hence no blasting shall be done at any place in the mine which is within 100 meter of any such permanent surface structure and further prohibitory Orders have also been issued dated 13.11.2024 regarding violations of various regulations of M.M.R., 1961 thus it proves the averment of the applicant made in the instant application that illegal mining out of approved lease area destroying the natural nala/stream is being carried out by the respondent no.15 to 18 as well as mining is going on near residential/public road/educations institutes/in habitat sites contrary to the guidelines of CPCB within 30 mtrs to 150 mtrs as well as mining much below 100 feet i.e. phreatic level is being carried out by respondent no.15 to 18 as well as huge extraction of underground water is also been done in course of mining by them.

III. **REJOINDER TO REPLY FILED BY RESPONDENT NO.15 DATED 19.02.2025**

13. That at the very outset it is submitted that reply filed by the respondent no.15 is devoid of merits and does not contained substantial aspects to the relief sought by the applicant i.e. in regard to illegal mining out of approved lease area near the residential/public buildings/inhabited

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sites contrary to the regulation of CPCB (respondent no.7) as well as Directorate General of Mines Safety within the danger zone including reserve forest area, destroying completely the natural stream/nala situated at Arazi No.5006 Village Billi Markundi, Pargana Agori, Tehsil Obra, District Sonbhadra and various other environmental degradation issues.

14. That the contents of para no.1, 2, 3 and 4 are not admitted as stated hence denied in reply there to it is submitted that respondent no. 15 namely, M/s Radhe Radhe Enterprises through its Proprietor Shri Ram Asrey Agrahari Resident of 79, Chudi Gali, Ward -3, Parshoi, Tehsil Obra, District Sonbhadra have been found involved in doing illegal mining out of lease area on gata No. 5006 (Ka, Kha and Ga) (Pahad/Nala Khata as well as 5006 Ga in the name of Nirmala Devi) and further penalty of Rs. 88,40,750/- have been imposed upon him after physical verification and measurement of illegal mining as per U.P. Minor Minerals (Concession) Rules, 2021 as penalty. It is further submitted that respondent no. 15 have been granted mining lease for excavation of dolo/stone grit over araji no. 5006Ka in area 3.40 hectare in year 2022 and araji no. 5006 includes 5006Ka (Pahad Khata), 5006Kha (Nala/natural stream) and 5006Ga (recorded tenure holder namely Nirmala Devi), thus, araji no. 5006Kha which has been recorded as Nala/natural stream got destroyed due to illegal mining operation carried out by the respondent no. 15 and this natural stream/nala have now been completely destroyed which once flows through forest/hill and meet with river Sone. It is further submitted that as per report dated 13.11.2024 of Directorate General of Mines Varanasi Region Varanasi the mining lease of respondent no.15 situated in close

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vicinity of the residential area as well as 400 KV center line HT Power Transmission Line which is passing at about 53 mtr away from the north side of the mine boundary and 132 KV Center Line HT Power Transmission Line passing at about 69 mtr away from the west side of the mine boundary and on the east side of mine boundary at about 255 mtr dense human habitat/huts and houses are situated thus mining operation of respondent no.15 is contrary to the guidelines issued vide Order dated 21.07.2020 passed in O.A. No.304/2019 by this Hon'ble Tribunal in regard to operation of stone quarries close to residences and public roads on the basis of report submitted by CPCB dated 09.07.2020.

- 15.** That the contents of para no.5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 are not admitted as stated hence denied in reply thereto it is submitted that respondent no. 15 namely, M/s Radhe Radhe Enterprises through its Proprietor Shri Ram Asrey Agrahari Resident of 79, Chudi Gali, Ward-3, Parshoi, Tehsil Obra, District Sonbhadra have been found involved in doing illegal mining out of lease area on gata No. 5006 (Ka, Kha and Ga) (Pahad/Nala Khata as well as 5006 Ga in the name of Nirmala Devi) and further penalty of Rs. 88,40,750/- have been imposed upon him after physical verification and measurement of illegal mining as per U.P. Minor Minerals (Concession) Rules, 2021 as penalty. It is further submitted that respondent no. 15 have been granted mining lease for excavation of dolo/stone grit over araji no. 5006Ka in area 3.40 hectare in year 2022 and araji no. 5006 includes 5006Ka (Pahad Khata), 5006Kha (Nala/natural stream) and 5006Ga (recorded tenure holder namely Nirmala Devi), thus araji no. 5006Kha

which has been recorded as Nala/natural stream got destroyed due to illegal mining operation carried out by the respondent no. 15 and this natural stream/nala have now been completely destroyed which once flows through forest/hill and meet with river Sone. It is further submitted that as per report dated 13.11.2024 of Directorate General of Mines Varanasi Region Varanasi the mining lease of respondent no.15 situated in close vicinity of the residential area as well as 400 KV center line HT Power Transmission Line which is passing at about 53 mtr away from the north side of the mine boundary and 132 KV Center Line HT Power Transmission Line passing at about 69 mtr away from the west side of the mine boundary and on the east side of mine boundary at about 255 mtr dense human habitat/huts and houses are situated thus mining operation of respondent no.15 is contrary to the guidelines issued vide Order dated 21.07.2020 passed in O.A. No.304/2019 by this Hon'ble Tribunal in regard to operation of stone quarries close to residences and public roads on the basis of report submitted by CPCB dated 09.07.2020. It is further submitted that in the report of the Directorate General of Mines Safety Varanasi Region Varanasi dated 13.11.2024 specifically states that all the concerned four mining leases of respondent no.15 to 18 lies within the danger zone i.e. 30 mtr to 300 mtr of the residential area hence no blasting shall be done at any place in the mine which is within 100 meter of any such permanent surface structure and further prohibitory Orders have also been issued dated 13.11.2024 regarding violations of various regulations of M.M.R., 1961 thus it proves the averment of the applicant made in the instant application that illegal mining out of approved lease area destroying the natural

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nala/stream is being carried out by the respondent no.15 to 18 as well as mining is going on near residential/public road/educations institutes/in habitat sites contrary to the guidelines of CPCB within 30 mtrs to 150 mtrs as well as mining much below 100 feet i.e. phreatic level is being carried out by respondent no.15 to 18 as well as huge extraction of underground water is also been done in course of mining by them. It is pertinent to mention here that from bare perusal of the report of Joint Committee dated 12.11.2024 it becomes crystal clear that Committee had not conducted genuine inspection of the mining leases in question of respondent no.15 to 18 and the whole exercise is mere eye wash. It is further submitted that from bare perusal of the report it becomes crystal clear that respondent no.15 have been involved in the illegal mining outside lease area in regard to which show-cause notice dated 17.07.2023 have been issued by the District Magistrate Sonbhadra as well as fine of Rs.8840750/- have been imposed vide Order dated 14.08.2023 subsequently respondent no.15 have challenged the Order dated 14.08.2023 passed by District Magistrate Sonbhadra imposing fine in regard to illegal mining out of lease area before Hon'ble Allahabad High Court through Writ C No.25010/2023 (Ms. Radhe Radhe Enterprises Vs. State of U.P. and 2 others) which was allowed by Order dated 21.11.2023 and the Order dated 14.08.2023 passed by District Magistrate Sonbhadra is set-aside and further matter has been remanded back to the District Magistrate Sonbhadra for considering the reply of the Respondent no.15 and adjudicate the issues related to illegal mining outside the lease area as had been raised in the show-cause notice dated 17.07.2023 issued by District Magistrate Sonbhadra. It is pertinent to

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mention here that no any Order till date has been passed by the District Magistrate Sonbhadra in pursuance of the above mentioned Order dated 21.11.2023 passed by Hon'ble Allahabad High Court thus the issue of illegal mining outside the approved sanctioned lease area by respondent no.15 as mentioned in the show-cause notice dated 17.07.2023 issued by District Magistrate Sonbhadra remains pending before the District Magistrate Sonbhadra.

IV. **REJOINDER TO REPLY FILED BY RESPONDENT NO.16 DATED 20.11.2024**

16. That at the very outset it is submitted that reply filed by the respondent no.16 is devoid of merits and does not contained substantial aspects to the relief sought by the applicant i.e. in regard to illegal mining out of approved lease area near the residential/public buildings/inhabited sites contrary to the regulation of CPCB (respondent no.7) as well as Directorate General of Mines Safety within the danger zone including reserve forest area, destroying completely the natural stream/nala situated at Arazi No.5006 Village Billi Markundi, Pargana Agori, Tehsil Obra, District Sonbhadra and various other environmental degradation issues and further it is submitted that in pursuance of direction passed by this Hon'ble Tribunal in the present application a Joint Committee has been constituted by the District Magistrate Sonbhadra (respondent no.11) vide Order dated 30.10.2024 consisting of DGMS Varanasi Region Varanasi, SDM Obra Sonbhadra, Prabhari Adhikari Directorate of Geology and Mining Sonbhadra, Regional Officer UPPCB Sonbhadra, District Mining Officer Sonbhadra, Sub Divisional Forest Officer Obra Forest Division Chopan Sonbhadra and

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Mines Surveyor and further Joint Committee had conducted spot visit of the above mentioned concerned mining leases and submitted its report dated 12.11.2024 which is halfhearted, malicious forged report giving clean chit to the concerned mining leases ignoring even earlier report of District Magistrate Sonbhadra itself in regard to illegal mining out of approved lease area as well as mining in the close vicinity of human habitat/residential complexes/educational institutes contrary to the guidelines of CPCB and Directorate General of Mines Safety etc.

17. That the contents of para no.1 and 2 are formal in nature hence needs no specific reply.
18. That the contents of para no.3, 4, 5, 6, 7 and 8 are not admitted as stated hence denied in reply thereto it is submitted that the respondent no.16 namely, M/s Krishna Mining works through its proprietor Madhusudan Singh son of Shri Rambadan Singh resident of Hinauti, Police Station -Ghorawal, District Sonbhadra has been granted mining lease for excavation of dolo-stone on Arazi No. 4823, 4821, 4814, 4847, 4849, 4850, 4851, 4860Mi., 4771, 4780, 4782, 4784, 4845, 4815Mi, 4816Mi, 4817Mi, 4818Mi, 4853Mi, 4820Mi and 4810Mi in area 8.79 hectare in 2016 and presently, carrying out mining out of lease area as well as much bellow the phreatic water level i.e. presently, mining is being carried out below 100 feet, which is contrary to the conditions imposed in environmental clearance and Consent to Operate (CTO) as well as contrary to the guidelines of DGMS and other mining laws as well as the present project proponent is carrying out mining activities much below the permissible depth which results in huge extraction of under ground

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water and is clearly a glaring example of illegal extraction of ground water and as the whole District Sonbhadra has been declared as dark zone in regard to availability of underground water resources so, this huge illegal extraction of underground water causing serious environmental degradation in the area and further the whole mining is carried out adjacent to the residential colony of Obra Project, Obra as well as Government Obra Degree College causing extensive adverse environmental impact like vibration dust toxic fume, chemical contamination affecting the flora and fauna of the area subsequently, disturbing the whole ecological balance of the area. It is further submitted that as per report dated 13.11.2024 of Directorate General of Mines Varanasi Region Varanasi the mining lease of respondent no.16 situated in close vicinity of the residential area as well as 33 KV center line HT Power Transmission Line which is passing at about 55 mtr north West side of the mine boundary as well as dense human habitat/huts and houses situated at 260 mtrs on the west and east side of the mine boundary as well as on south thick residential area situated just adjacent to the boundary of the mine thus mining operation of respondent no.16 is contrary to the guidelines issued vide Order dated 21.07.2020 passed in O.A. No.304/2019 by this Hon'ble Tribunal in regard to operation of stone quarries close to residences and public roads on the basis of report submitted by CPCB dated 09.07.2020. It is further submitted that in the report of the Directorate General of Mines Safety Varanasi Region Varanasi dated 13.11.2024 specifically states that all the concerned four mining leases of respondent no.15 to 18 lies within the danger zone i.e. 30 mtr to 300 mtr of the residential area hence no blasting shall be done at any

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place in the mine which is within 100 meter of any such permanent surface structure and further prohibitory Orders have also been issued dated 13.11.2024 regarding violations of various regulations of M.M.R., 1961 thus it proves the averment of the applicant made in the instant application that illegal mining out of approved lease area destroying the natural nala/stream is being carried out by the respondent no.15 to 18 as well as mining is going on near residential/public road/educations institutes/in habitat sites contrary to the guidelines of CPCB within 30 mtrs to 150 mtrs as well as mining much below 100 feet i.e. phreatic level is being carried out by respondent no.15 to 18 as well as huge extraction of underground water is also been done in course of mining by them. It is pertinent to mention here that from bare perusal of the report of Joint Committee dated 12.11.2024 it becomes crystal clear that Committee had not conducted genuine inspection of the mining leases in question of respondent no.15 to 18 and the whole exercise is mere eye wash. It is also pertinent to mention here that it becomes crystal clear that respondent no.16 is involved in illegal mining outside the lease area violating their specific and general conditions mentioned in their environment clearance as well as Consent to Operate (CTO) and for this detailed scientific enquiry such as GPS reading at the time of approval of lease and amount of MM 11 issued and further current GPS reading mining area must be taken into account by the higher authorities and then only actual status of illegal mining outside the lease area can be figured out.

V. **REJOINDER TO REPLY FILED BY RESPONDENT NO.17**  
**DATED 20.02.2025**

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19. That at the very outset it is submitted that reply filed by the respondent no.17 is devoid of merits and does not contained substantial aspects to the relief sought by the applicant i.e. in regard to illegal mining out of approved lease area near the residential/public buildings/inhabited sites contrary to the regulation of CPCB (respondent no.7) as well as Directorate General of Mines Safety within the danger zone including reserve forest area, destroying completely the natural stream/nala situated at Arazi No.5006 Village Billi Markundi, Pargana Agori, Tehsil Obra, District Sonbhadra and various other environmental degradation issues and further it is submitted that in pursuance of direction passed by this Hon'ble Tribunal in the present application a Joint Committee has been constituted by the District Magistrate Sonbhadra (respondent no.11) vide Order dated 30.10.2024 consisting of DGMS Varanasi Region Varanasi, SDM Obra Sonbhadra, Prabhari Adhikari Directorate of Geology and Mining Sonbhadra, Regional Officer UPPCB Sonbhadra, District Mining Officer Sonbhadra, Sub Divisional Forest Officer Obra Forest Division Chopan Sonbhadra and Mines Surveyor and further Joint Committee had conducted spot visit of the above mentioned concerned mining leases and submitted its report dated 12.11.2024 which is halfhearted, malicious forged report giving clean chit to the concerned mining leases ignoring even earlier report of District Magistrate Sonbhadra itself in regard to illegal mining out of approved lease area as well as mining in the close vicinity of human habitat/residential complexes/educational institutes contrary to the guidelines of CPCB and Directorate General of Mines Safety etc.

20. That the contents of para no.1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 are not admitted hence denied in reply thereto it is submitted that respondent no. 17 namely, M/s Sai Baba Stone Works through its Proprietor Smt. Anju Rai wife of Shri Dheeraj Rai residents of Billi Markundi, Pargana -Agori, Obra, Sonbhadra has been granted mining lease for excavation of dolo-stone on Arazi No. 5414 Ga in area 3.34 hectare in 2016, and presently, carrying out mining out of lease area as well as much bellow the phreatic water level i.e. presently, mining is being carried out below 100 feet, which is contrary to the conditions imposed in environmental clearance as well as contrary to the guidelines of DGMS and other mining laws as well as the present project proponent is carrying out mining activities much below the permissible depth which results in huge extraction of underground water and is clearly a glaring example of illegal extraction of ground water and as the whole District Sonbhadra has been declared as dark zone in regard to availability of underground water resources so, this huge this illegal extraction of underground water causing serious environmental degradation in the area and further the whole mining is carried out adjacent to the residential colony/ITI College causing extensive adverse environmental impact like vibration dust toxic fume, chemical contamination affecting the flora and fauna of the area subsequently, disturbing the whole ecological balance of the area as well as nearby houses are getting severely affected due to heavy blasting work during mining activity. It is further submitted that as per report dated 13.11.2024 of Directorate General of Mines Varanasi Region Varanasi the mining lease of respondent no.17 situated in close vicinity of the residential area as well as

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132 KV center line HT Power Transmission Line which is passing at about 20 mtr east side of the mine boundary as well as ITI College situated at 20 mtr from the lease boundary pillar within the danger zone of the lease boundary thus mining operation of respondent no.17 is contrary to the guidelines issued vide Order dated 21.07.2020 passed in O.A. No.304/2019 by this Hon'ble Tribunal in regard to operation of stone quarries close to residences and public roads on the basis of report submitted by CPCB dated 09.07.2020. It is further submitted that in the report of the Directorate General of Mines Safety Varanasi Region Varanasi dated 13.11.2024 specifically states that all the concerned four mining leases of respondent no.15 to 18 lies within the danger zone i.e. 30 mtr to 300 mtr of the residential area hence no blasting shall be done at any place in the mine which is within 100 meter of any such permanent surface structure and further prohibitory Orders have also been issued dated 13.11.2024 regarding violations of various regulations of M.M.R., 1961 thus it proves the averment of the applicant made in the instant application that illegal mining out of approved lease area destroying the natural nala/stream is being carried out by the respondent no.15 to 18 as well as mining is going on near residential/public road/educations institutes/in habitat sites contrary to the guidelines of CPCB within 30 mtrs to 150 mtrs as well as mining much below 100 feet i.e. phreatic level is being carried out by respondent no.15 to 18 as well as huge extraction of underground water is also been done in course of mining by them. It is pertinent to mention here that from bare perusal of the report of Joint Committee dated 12.11.2024 it becomes crystal clear that Committee had not conducted genuine inspection of the mining

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leases in question of respondent no.15 to 18 and the whole exercise is mere eye wash. It is also pertinent to mention here that it becomes crystal clear that respondent no.17 is involved in illegal mining outside the lease area violating their specific and general conditions mentioned in their environment clearance as well as Consent to Operate (CTO) and for this detailed scientific enquiry such as GPS reading at the time of approval of lease and amount of MM 11 issued and further current GPS reading mining area must be taken into account by the higher authorities and then only actual status of illegal mining outside the lease area can be figured out.

- 21.** That the contents of para no.16, 17, 18, 19, 20 and 21 are not admitted as stated hence denied in reply thereto it is submitted that as per report dated 13.11.2024 of Directorate General of Mines Varanasi Region Varanasi the mining lease of respondent no.17 situated in close vicinity of the residential area as well as 132 KV center line HT Power Transmission Line which is passing at about 20 mtr east side of the mine boundary as well as ITI College situated at 20 mtr from the lease boundary pillar within the danger zone of the lease boundary thus mining operation of respondent no.17 is contrary to the guidelines issued vide Order dated 21.07.2020 passed in O.A. No.304/2019 by this Hon'ble Tribunal in regard to operation of stone quarries close to residences and public roads on the basis of report submitted by CPCB dated 09.07.2020. It is further submitted that in the report of the Directorate General of Mines Safety Varanasi Region Varanasi dated 13.11.2024 specifically states that all the concerned four mining leases of respondent no.15 to 18 lies within the danger zone i.e. 30 mtr to 300 mtr of the residential area hence no blasting shall be done at any

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place in the mine which is within 100 meter of any such permanent surface structure and further prohibitory Orders have also been issued dated 13.11.2024 regarding violations of various regulations of M.M.R., 1961 thus it proves the averment of the applicant made in the instant application that illegal mining out of approved lease area destroying the natural nala/stream is being carried out by the respondent no.15 to 18 as well as mining is going on near residential/public road/educational institutes/in habitat sites contrary to the guidelines of CPCB within 30 mtrs to 150 mtrs as well as mining much below 100 feet i.e. phreatic level is being carried out by respondent no.15 to 18 as well as huge extraction of underground water is also been done in course of mining by them. It is pertinent to mention here that from bare perusal of the report of Joint Committee dated 12.11.2024 it becomes crystal clear that Committee had not conducted genuine inspection of the mining leases in question of respondent no.15 to 18 and the whole exercise is mere eye wash. It is also pertinent to mention here that it becomes crystal clear that respondent no.17 is involved in illegal mining outside the lease area violating their specific and general conditions mentioned in their environment clearance as well as Consent to Operate (CTO) and for this detailed scientific enquiry such as GPS reading at the time of approval of lease and amount of MM 11 issued and further current GPS reading mining area must be taken into account by the higher authorities and then only actual status of illegal mining outside the lease area can be figured out.

- 22.** That based on the above-mentioned submissions, the prayers of the Respondent No. 7, 11, 15, 16 and 17 are untenable. Hence, this Hon'ble Tribunal may be pleased to

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consider the prayers of the Applicant in the above-titled Original Application.

- 23.** Pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.

AND FOR THIS ACT OF KINDNESS, THE APPLICANT AS IN DUTY BOUND SHALL EVER REMAIN OBLIGED.

Filed by the Applicant

Through his Counsel:



**ABHISHEK KUMAR CHAUBEY**

Counsel for the applicant  
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Filed on 08 / 10 / 2025

NEW DELHI



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
AT NEW DELHI**

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**ORIGINAL APPLICATION NO. 1050 OF 2024**

(Under Section 18 (1) read with Sections 14, 15, 16, 17 of the  
National Green Tribunal Act, 2010)

**IN THE MATTER OF:**

**Ritisha Gond**

\_\_\_\_\_ **Applicant.**

Versus

**Union of India and others**

\_\_\_\_\_ **Respondents.**

**AFFIDAVIT**

I, **Ritisha Gond** D/o Gopal Gond R/o Ward No. 1, Churk Bazar Churk, Tehsil -Robertsganj District Sonbhadra, Uttar Pradesh Pin Code-231206.; do hereby take oath and state as under: -

1. That I am the applicant in this case and am well conversant with the facts and circumstances of the case.
2. That I have gone through the contents of the application. The contents of para(s) 1 to 23 of the application are true and correct to my personal knowledge.



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**DEPONENT**

**VERIFICATION**

I, above named deponent, do hereby verify that the contents of para no.1 to \_\_\_ of the above affidavit are true and correct to my personal knowledge. Nothing material has been concealed and part of it is false.

SO HELP ME GOD

SOLEMNLY AFFIRMED before me  
By Sri/Smt. *Ritisha Gond*  
ID by *Gopal Gond*

Savitri Devi  
Advocate/Notary  
Prayagraj U.P.

**DEPONENT**

Ritisha