

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****Original Application No. 626 of 2023****IN THE MATTER OF:**

BALBIR SANDHU

...APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

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DATE: 04/08/2025**PLACE:** NEW DELHI

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**REJOINDER AFFIDAVIT ON BEHALF OF THE APPLICANT IN
RESPONSE TO THE REPLY FILED BY RESPONDENT NO. 8****MOST RESPECTFULLY SHOWETH:**

I, Balbir Sandhu, aged about 55 years, Son of Sh Waryam Singh, Resident of Mussimbal, Yamuna Nagar, Mussimbal, Haryana – 135003 do hereby solemnly affirm and declare as under:

1. That the deponent is the applicant and is filing the present rejoinder in response to the Reply filed by ("Respondent 8") to the present Original Application.
2. That at the very outset, the Applicant denies each averment stated in the Respondent's Reply except for those that are a matter of record



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and/or explicitly admitted herein. It is clarified that there shall be no admission on the part of the Applicant for want of specific denial and/or traverse.

3. It is submitted that the detailed submissions made by the Applicant in the Original Application may be read as part and parcel of the present Rejoinder and the same is not being reiterated herein for the sake of brevity.
4. That the Applicant submits this Rejoinder in response to the Reply filed by Respondent No. 8, firmly refuting the contentions raised therein and reiterating the material facts, governing legal principles, and procedural irregularities that lie at the heart of the present matter. The Applicant respectfully submits that the Reply is replete with evasive assertions, half-truths, and legally untenable justifications that fail to cure the fundamental illegality of the actions undertaken by the Respondent.

PRELIMINARY SUBMISSIONS AND OBJECTIONS

- A. That at the outset, the Applicant respectfully submits that the District Survey Report (herein after referred to as "DSR") for District Yamunanagar was approved by the District Environment Impact Assessment Authority (DEIAA) on 10.08.2017, and thereafter, as per the record, was uploaded on the official website on 24.05.2018. The

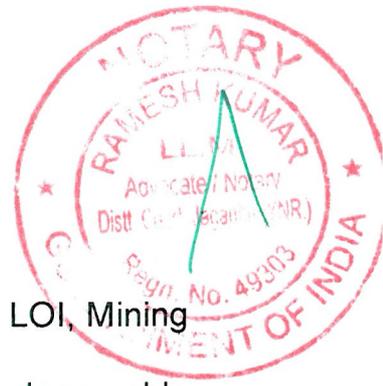
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said DSR formed the foundational basis for identification of mining blocks in the district and was intended to guide all subsequent actions, including e-auctions, issuance of Letters of Intent (herein after referred to as LOIs), and approval of mining plans.

- B. It is respectfully submitted that the District Survey Report is not a procedural formality but a mandatory and time-sensitive document, which must reflect accurate, current and environmentally sound assessments of mineable areas. The sanctity and temporal relevance of the DSR are central to the entire regulatory scheme governing sustainable sand mining. Therefore, any action, administrative or contractual, undertaken at a time when no legally operative DSR was in force undermines the environmental safeguards built into the statutory regime and renders such actions vitiated in law.
- C. It is submitted that while an e-auction was conducted on 23.08.2022 (postponed from 18.08.2022), pursuant to which a LOI was issued on 06.10.2022, a second e-auction was subsequently held on 30.05.2023. In the statutory scheme governing sand mining, an e-auction is the initiating step, which is followed by the issuance of a LOI and thereafter the approval of the mining plan, resulting into issuance of Environmental Clearance (herein after referred to as "EC"). It is also

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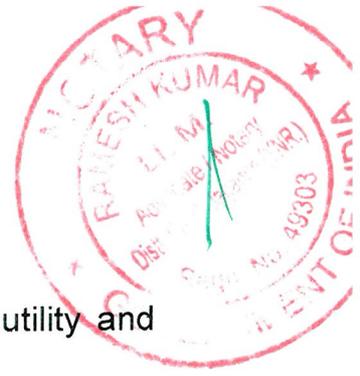


respectfully submitted that preparation of DSR, e-auction, LOI, Mining plan approval and issuance of EC are not isolated or interchangeable steps, they must form part of a single, valid, and contemporaneous process. Therefore, when a fresh e-auction was conducted on 30.05.2023, than as per the law of the land issuance of the LOI has to be done only after 30.05.2023. However, in the present case the Director, Mines and Geology has issued the LOI on 06.10.2022 that is much before the subsequent e-auction making the entire process incoherent and contrary to statutory procedure.

D. That it is further respectfully submitted that the Respondents have improperly sought to retain and act upon the earlier LOI dated 06.10.2022, even after conducting a fresh auction, and have further gone on to approve the mining plan on 26.06.2023 based on that outdated LOI, in clear violation of established procedure and legal norms. This disjointed sequencing of actions, where the mining plan is approved post a new e-auction but on the basis of an old LOI issued under an earlier auction, is legally untenable and makes the entire approval process non est in law.

E. It is also important to highlight that the e-auction dated 30.05.2023 was conducted at a time when no valid District Survey Report (DSR) was

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in existence. The earlier DSR had already exhausted its utility and temporal validity, and the next draft DSR was admittedly prepared only on 12.10.2023. In such a scenario, no e-auction, LOI, mining plan, or any consequential approval could have been lawfully undertaken, as the existence of a valid DSR is a non-negotiable precondition. Therefore, the entire chain of events following the e-auction dated 30.05.2023, including the continued reliance on an outdated LOI and the mining plan approval dated 26.06.2023 is vitiated in law. These actions were taken in the absence of a legal foundation and must be seen as an attempt to bypass environmental due process.

F. It is pertinent to mention here that that Respondent no. 8 in its counter as stated that the details of the Bailgarh North Block (YNR B-1) mentioned in the 2023 Draft DSR are "identical" to those in the LOI issued in 2022. Case of the applicant is that this does not lend legitimacy to their actions, it instead highlights the arbitrary and non-application of mind in the entire process. If the exhaustive statutory exercise of preparing a DSR, comprising site inspections, erosion studies, replenishment analysis, hydrological mapping, and public consultation, can be bypassed by simply reproducing past coordinates,

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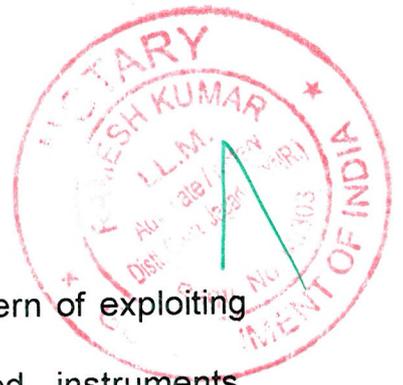
then the entire framework prescribed under the MoEF&CC Guidelines is reduced to a mockery of the very rationale behind DSR preparation.

G. Further, the applicant wishes to submit that a DSR is not a clerical document; It is a dynamic, science-based, site-specific environmental instrument that reflects current realities of erosion, deposition, hydrology, land use, and mineral replenishment. The blind repetition of data from an old LOI into a new DSR without fresh analysis or justification amounts to a textbook case of "Ctrl C and Ctrl V." This reflects complete non-application of mind and raises serious questions about the intent behind such replication. These actions appear tailored to secure maximum benefit for mining mafia, rather than uphold the public trust doctrine or environmental norms.

H. That it is settled law that a valid and contemporaneous DSR must exist prior to the issuance of e-auction notices, LOIs, and mining plan approvals. A DSR cannot be used as a post-facto justification to validate prior irregular actions. The attempt by Respondents to retroactively legitimize illegal approvals by pointing to the 2023 DSR flies in the face of settled jurisprudence and defeats the preventive purpose of environmental regulation.

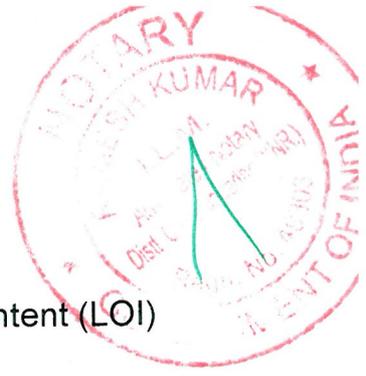
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- I. That the conduct of the Respondents reflects a pattern of exploiting procedural gaps, relying on expired or outdated instruments, sequencing approvals without legal foundation, and mechanically reproducing legacy data, which cumulatively undermines the environmental rule of law. If such practices are condoned, they will not only erode the credibility of the DSR process but also embolden systemic circumvention of environmental safeguards across jurisdictions. This case presents a textbook instance where the letter and spirit of environmental governance stand compromised, calling for strict scrutiny and appropriate directions from this Hon'ble Tribunal.
- J. That the reply of Respondent No. 8 is silent on these core lapses and instead seeks to draw attention to peripheral compliances, none of which have any bearing once the primary requirement of a valid and updated DSR is unmet. It is submitted that the law does not permit partial compliance or post-facto rationalization of statutory conditions.
- K. That the applicant would also like to submit before this Hon'ble Tribunal that O.A. No. 593 of 2023 is pending adjudication before the Principal bench of this Hon'ble Tribunal. In the said O.A. objections/ reply on behalf of the applicant dated 06.08.2024 to the status report dated 24.06.2024 filed by SEIAA, Haryana has been submitted before this

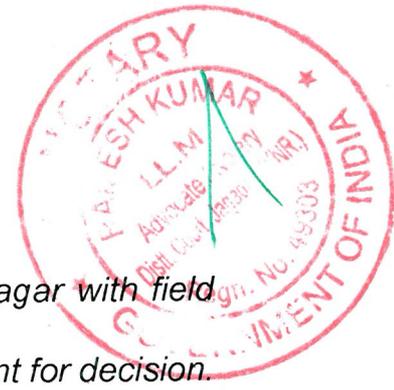
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Hon'ble Court wherein it has been stated that the Letter of Intent (LOI) dated 06.10.2022 issued to Respondent No. 8 for the same site in question was revoked by the Department of Mines and Geology (DMG), Haryana vide order dated 17.02.2023 on account of violations of LOI conditions by the Respondent No. 8. Though the said revocation was conditionally set aside by the Appellate Authority (Additional Chief Secretary, Mines and Geology), the Project Proponent has since failed to secure essential statutory No Objection Certificates (NOCs) required under various environmental and regulatory laws. For instance, the Irrigation & Water Resources Department, Government of Haryana, vide communication dated 08.11.2023, categorically refused to grant NOC in favour of Respondent No. 8 for riverbed mining in Bailgarh North Block, as communicated vide letter dated 20.11.2023. For the sake of the convenience of the Hon'ble court, the relevant part from the communication dated 20.11.2023 is reproduced hereinbelow:

"In continuation of this office letter No 5902/13 W dated 29.09.2023, it is intimated that the case regarding grant of NOC from the Irrigation & W.R. Department, Haryana for river bed mining in Belgarh North Block located at Village Belgarh

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Sub Tehsil Pratap Nagar in District Yamuna Nagar with field perspective stands was submitted to Government for decision.

The Government has denied to grant the NOC vide the Commissioner and Secretary to Government, Haryana, I& WRD letter No: 309/7YWS dated 08.11.2023(Copy enclosed)."

True copy of the Letter dated 20.11.2023 refusing grant of NOC is annexed and marked herewith as Annexure A1/1.

- L. That in view of the facts, legal infirmities, and mala fide actions outlined hereinabove, the Applicant most respectfully submits that the prayers made in the Original Application deserve to be allowed in full, in the interest of justice, to prevent the continued degradation of the environment, uphold the sanctity of environmental regulatory processes, and ensure that no mining activity is permitted to proceed on the basis of expired, invalid, or non-existent statutory instruments. Allowing such illegality to stand would not only defeat the object and purpose of the Environment (Protection) Act, 1986 and related frameworks but also set a dangerous precedent contrary to the consistent pronouncements of the Hon'ble Supreme Court and this Hon'ble Tribunal.

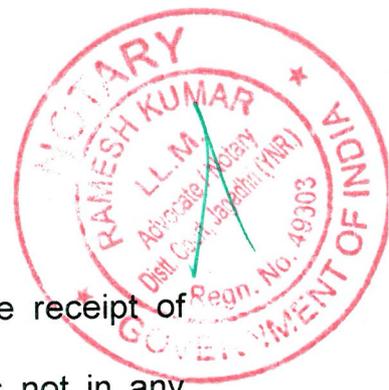
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**PARAWISE REPLY TO THE PRELIMINARY SUBMISSIONS AND
OBJECTIONS:**

1. That the contents of Para 1, 2 and 3 are Matter of Record and hence require no reply.
2. The content of the Para 4 are denied and the contents of the present O.A. are being reiterated.
3. The contents of Para 5 are admitted to the limited extent that the District Survey Report (DSR) for Yamunanagar was approved by the DEIAA on 10.08.2017 and forwarded by the Mining Office, Yamunanagar on 11.08.2017. However, the Respondent seeks to selectively present the timeline to understate the procedural lapse that followed. The Applicant submits that the said approval by the DEIAA forms a critical milestone, as it reflects the administrative intent to finalize the DSR at that point. In this regard, the contents of the Preliminary Submissions are reiterated.
4. That the contents of paragraph 6 are denied as being vague and irrelevant to the core legal issues raised in the Original Application. The

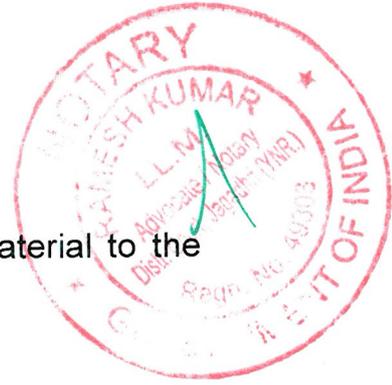
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filing of an RTI application by the Respondent and the receipt of information from the Mining Officer on 22.05.2024 does not in any manner validate or regularize the actions taken under an expired or procedurally flawed District Survey Report.

5. That the contents of paragraph 7 are a matter of record only to the extent that a letter dated 30.08.2017 was issued to the Deputy Commissioner, Yamunanagar, for uploading the DSR on the district website in accordance with the Notification dated 15.01.2016. However, the Respondent's selective reference to this letter is misleading. Notably, the said communication itself refers to the DSR as being "duly approved by the Committee," which undermines the Respondent's later claim that of the draft DSR. This contradiction only reinforces the Applicant's case that the administrative approval for the DSR had been completed much earlier, and any argument to shift the timeline to a later date is artificial and self-serving. Furthermore, mere procedural steps such as uploading the report do not cure the lapse of statutory validity, which remains central to the issues raised in the Original Application. Applicant is concerned with whether the approvals, including e-auctions and mining plan clearances, were granted during the currency of a valid DSR, a requirement that was not

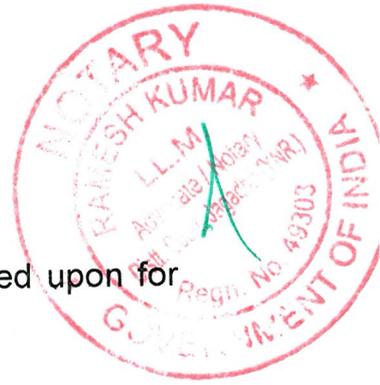
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satisfied. Hence, these procedural references are immaterial to the core issue of legal validity.

6. That the contents of paragraph 8 are not disputed to the extent that a letter dated 15.09.2017 was issued by the Mining Officer reiterating the request to upload the DSR on the District website. However, the reliance placed on this letter by the Respondent is misplaced and irrelevant to the central issue. However, such references are entirely irrelevant to the present controversy. The Applicant's challenge is not to the procedural steps undertaken in 2017, but to the continued reliance on an expired DSR for approvals granted in 2022 and 2023, in clear contravention of binding legal requirements.
7. That the contents of paragraph 9 are noted to the extent that the DSR was uploaded on 18.09.2017 and a subsequent letter dated 27.11.2017 was issued seeking information regarding comments or objections. However, the Respondent's characterization of the uploaded DSR as a "draft" is contrary to the official correspondence they have themselves placed on record. The letter dated 15.09.2017 itself refers to the DSR as being "duly approved" by the Committee. Moreover, issue before this Hon'ble Tribunal is not about the procedural correctness of the DSR in 2017, but rather the fact that the

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DSR has long since lapsed, and yet continued to be relied upon for approvals granted in 2023.

8. That the contents of para 10 to para 13 are noted insofar as they narrate procedural steps following the upload of the District Survey Report. The contents of these paragraphs are noted to the extent they reflect the process followed in uploading the District Survey Report (DSR) for Yamunanagar. However, the Respondent's narration only reinforces the Applicant's case. The subsequent letter directing upload of the DSR and its eventual publication on the official website on 24.05.2018 merely formalized what was already complete in substance.

It is respectfully submitted that the DSR was approved on 10.08.2017 and uploaded on 24.05.2018. In any case, whether the validity is counted from 10.08.2017 or 24.05.2018, it is clear that no valid DSR existed at the time of the second e-auction on 30.05.2023 or the mining plan approval on 26.06.2023. This fundamental defect remains unaddressed by the Respondent.

The emphasis on events from 2017–2018 serves no purpose except to divert attention of the this Hon'ble Tribunal from the present illegality

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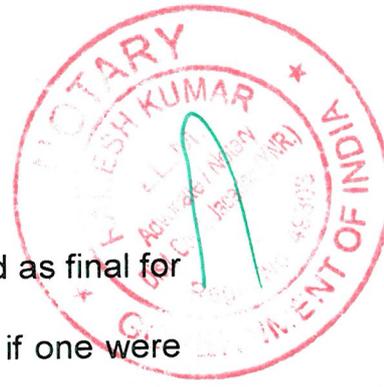
that the Respondent is seeking to derive rights from an expired and defunct DSR.

It is therefore beyond dispute that at the time of issuance of the E-Auction notice dated 30.05.2023, the approval of the Mining Plan dated 26.06.2023, the DSR had already expired, making any approval based on it procedurally invalid and legally untenable. More critically, even assuming some actions were initiated before expiry, no approvals or final grants can be sustained once the DSR has lapsed, as the very foundation upon which such actions rest ceases to exist in law.

Therefore, the Respondent's assertion that the DSR should be "reckoned from 24.05.2018" only strengthens the Applicant's case, that the entire chain of approvals in favour of Respondent No. 8 is built on an expired and inoperative statutory instrument, and is hence liable to be set aside.

9. That the contents of the para 14 are misleading. The Applicant has never disputed that the validity of a District Survey Report (DSR) is five years as per the Notification dated 15.01.2016. However, the Respondent's attempt to unilaterally fix the start of the validity period from the date of uploading (i.e. 24.05.2018) ignores that the DSR was

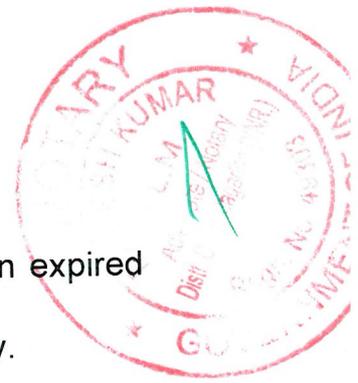
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already approved by the DEIAA on 10.08.2017 and treated as final for all administrative purposes thereafter. In any event, even if one were to accept the Respondent's position, it would admitted that the DSR expired on 23.05.2023. Therefore, all subsequent processes particularly the e-auction dated 30.05.2023 and the mining plan approval dated 26.06.2023 are vitiated for want of a valid DSR.

10. That the contents of this paragraph are a matter of record only to the extent that the Bailgarh North Block (YNR B-1) is mentioned at Sr. No. 4 in the table at para 10.2 of the District Survey Report. However, mere mention of a mining block in the DSR does not validate subsequent administrative actions taken beyond the period of its validity. As already stated, the DSR, whether reckoned from 10.08.2017 or 24.05.2018, stood expired prior to the issuance of the second e-auction notice dated 30.05.2023 and approval of the mining plan on 26.06.2023. Thus, reliance on the expired DSR to support post-expiry actions is untenable. Merely pointing out that the Bailgarh North Block (YNR B-1) was identified in the 2017 District Survey Report (DSR) does not validate the Respondent's claim to proceed with mining operations in 2023. The issue is not whether the block was

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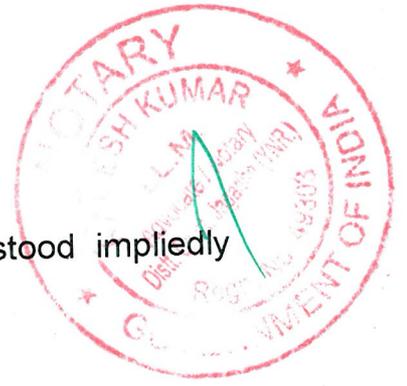
once identified, but whether such identification, based on an expired DSR, can be the foundation for legal and valid mining activity.

11. That the contents of paragraph 16 are noted to the extent that an e-auction notice was issued on 26.07.2022. However, the Respondent has failed to acknowledge that this e-auction was later superseded by a fresh e-auction dated 30.05.2023. Once a new e-auction is conducted, any previous Letter of Intent (LOI) issued pursuant to the earlier auction loses its legal relevance, and a fresh LOI must be issued in accordance with the new process.

Furthermore, as on 30.05.2023, there was no valid District Survey Report (DSR) in force, and hence the entire chain of events starting from the second e-auction to the approval of mining plan is vitiated. This is a settled principle that a valid DSR is a legal prerequisite and its absence makes the process unsustainable in law.

12. That the contents of paragraph 17 are noted to the extent that the bidding date was changed from 22.08.2022 to 25.08.2022 through a corrigendum dated 18.08.2022. However, it is reiterated that this corrigendum does not affect the core issue that a subsequent e-auction was held on 30.05.2023, and therefore, the earlier auction process and

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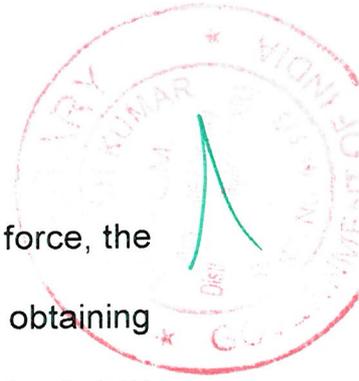
any Letter of Intent (LOI) issued pursuant thereto stood impliedly revoked or superseded.

The Respondent's attempt to rely on procedural continuity from the first e-auction disregards the settled principle that a fresh auction initiates a new administrative process, requiring a fresh LOI and mining plan approval in accordance with the prevailing legal and environmental framework including the requirement of a valid DSR, which was not in existence at the time of the second e-auction.

- 13.** That the contents of paragraph 18 are not denied to the extent that the Respondent participated in the e-auction held on 25.08.2022 and was issued a Letter of Intent (LOI) dated 06.10.2022. However, the Respondent has failed to disclose that the said LOI was subsequently revoked by the Department of Mines and Geology, Haryana, vide order dated 17.02.2023 due to violations of LOI conditions.

Although the said revocation order was later set aside by the Appellate Authority, the reinstatement of the LOI was subject to specific conditions and did not automatically validate subsequent approvals. Importantly, after the second e-auction was conducted on 30.05.2023,

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during a period when no valid District Survey Report was in force, the reliance on the LOI dated 06.10.2022 for the purpose of obtaining mining plan approval on 26.06.2023 is legally untenable. A fresh LOI should have followed the second auction, and the use of an outdated LOI makes the entire chain of approvals procedurally and environmentally flawed.

14. That the contents of paragraph 19 are misleading and denied to the extent that they suggest continued validity of the District Survey Report (DSR) beyond its permissible life cycle. Even assuming the LOI dated 06.10.2022 was issued during the validity of the DSR, the subsequent auction conducted on 30.05.2023, after the DSR had lapsed, necessitated a fresh LOI and approvals based on a valid and current DSR.

The Respondent cannot selectively rely on an expired DSR to validate a new auction process. Once a fresh auction was conducted during a period when no valid DSR existed, the entire process became legally infirm. The mining plan approved thereafter is also vitiated for the same reason. Therefore, the Respondent's reliance on past compliance does

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not cure the fatal defects in the subsequent steps, and the Original Application deserves to be allowed.

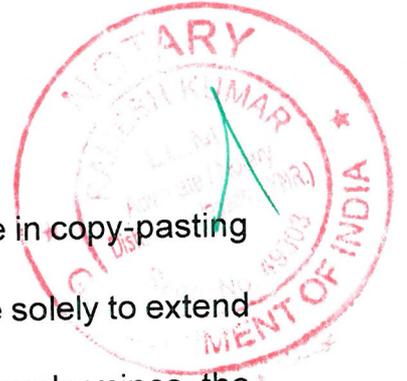
- 15.** That the contents of paragraph 20 are noted. However, the Respondent's admission that the draft District Survey Report (DSR) was approved only on 12.10.2023 further strengthens the Applicant's case. It clearly establishes that during the intervening period, particularly at the time of the e-auction dated 30.05.2023 and the mining plan approval dated 26.06.2023, no valid DSR was in existence. Thus, all approvals and processes undertaken during this DSR vacuum are void ab initio and in violation of the statutory framework.
- 16.** That the contents of para 21 are noted. However, they further reinforce the Applicant's contention that no valid District Survey Report (DSR) existed prior to 12.10.2023. The fact that the draft DSR was prepared only in August 2023, and subsequently modified based on departmental inputs, clearly indicates that the DSR was under active development and not in force at the time of the 30.05.2023 e-auction or the 26.06.2023 mining plan approval. These facts demonstrate that key statutory approvals were granted in a regulatory vacuum, rendering them unsustainable in law.

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17. That the contents of para 22 are denied as being misleading. The mere repetition of coordinates or block names from a previous Letter of Intent (LOI) in the draft District Survey Report (DSR) of 2023 does not legitimize the approvals granted during the period when no valid DSR was in existence. This mechanical matching of coordinates undermines the entire purpose of preparing a fresh DSR, which is meant to reflect updated environmental, hydrological, and geological realities. Such an approach effectively bypasses the statutory and scientific rigour required in DSR formulation, reducing it to a clerical exercise and defeating the object of sustainable and regulated mining.
18. That the contents of para 23 are denied as being contrary to law and logic. The fact that the details in the Letter of Intent dated 06.10.2022 are "identical" to those in the draft District Survey Report (DSR) of 2023 only highlights illegality, not justifies it. The mining plan dated 26.06.2023 was approved during a period when no valid DSR existed, rendering such approval void ab initio. The DSR is not a post-facto justification tool but a precondition for any mining-related approval. The Respondent's reliance on "matching details" only exposes the absence of fresh site-specific assessment and shows that environmental due diligence was bypassed.

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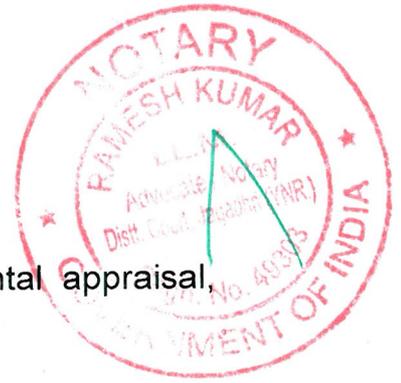


This is a textbook case of Ctrl C and Ctrl V, an exercise in copy-pasting past data without any fresh scientific assessment done solely to extend benefit to entrenched mining interests. It not only undermines the environmental clearance process but also reveals a deliberate attempt to bypass the mandatory scrutiny envisaged under environmental law.

19. That the contents of paragraph 24 are denied. The so-called “detailed survey and analysis” claimed by the Respondent is of no legal consequence when the mining plan itself is grounded on an invalid foundation i.e., a Letter of Intent and e-auction process conducted during a period when no valid District Survey Report (DSR) was in force. The absence of a valid DSR vitiates the mining plan in its entirety, regardless of the accompanying documents. Furthermore, the replenishment study like the mining plan is tainted by procedural illegality and cannot validate an otherwise unlawful process.

20. That the contents of Para 25 is matter of fact. However, the draft DSR, 2023 was uploaded on 17.10.2023 after the grant of Mining Plan approval on 26.06.2023 only reinforces the Applicant’s case. The post-facto procedural steps, such as public consultation or objection-handling, have no bearing on the legality of approvals already granted in the absence of a valid DSR. This sequence confirms that all such

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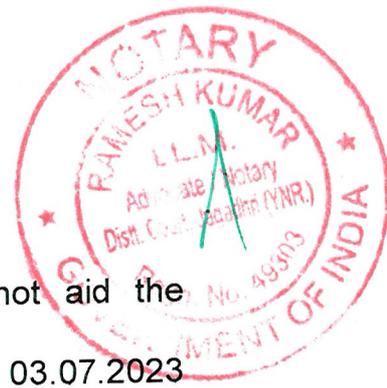
approvals were made without any lawful environmental appraisal, making them ultra vires.

21. That the contents of paragraph 26 are denied being misleading and contrary to law. The Respondent's argument completely ignores the fact that a fresh e-auction was held on 30.05.2023 during a period when no valid District Survey Report (DSR) was in existence. Once a new e-auction is conducted, it must be followed by a fresh Letter of Intent and mining plan, strictly in accordance with a valid DSR. Relying on an old Letter of Intent (dated 06.10.2022) to justify approvals post the new auction undermines the legal and environmental safeguards that DSRs are meant to provide.

Furthermore, the Respondent's claim that the mining block details remained "identical" does not cure the procedural illegality. Environmental approvals are not a clerical exercise of matching coordinates, they are site-specific, time-sensitive evaluations. Any action undertaken without a valid DSR in place, including approval of mining plans, is void ab initio.

22. That the contents of para 27 are denied being misleading and legally unsustainable. The reference to CWP No. 13772 of 2023 before

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the Hon'ble Punjab and Haryana High Court does not aid the Respondent's case. On the contrary, the order dated 03.07.2023 clearly directs that no Letter of Intent (LOI) shall be issued until the finalization of the District Survey Report (DSR). This direction presupposes the absence of a valid DSR at the relevant time.

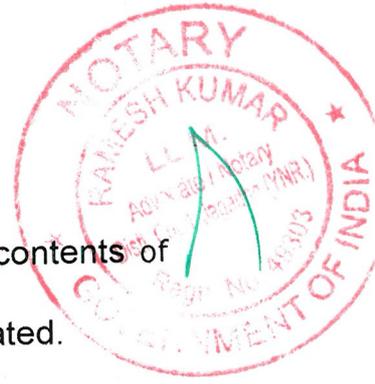
It is important to clarify that the Hon'ble High Court neither upheld the legality of the e-auction dated 30.05.2023 nor condoned any action taken in the absence of a valid DSR. The interim protection granted by the Court was limited and procedural in nature, it did not and could not validate steps like issuance of LOI or mining plan approvals during the DSR vacuum.

23. That the content of the Para 28 and 29 are denied and the present O.A. is maintainable before the Hon'ble Tribunal. The contents of preliminary objections and submissions are being reiterated.

PARA WISE REPLY TO REPLY ON MERITS

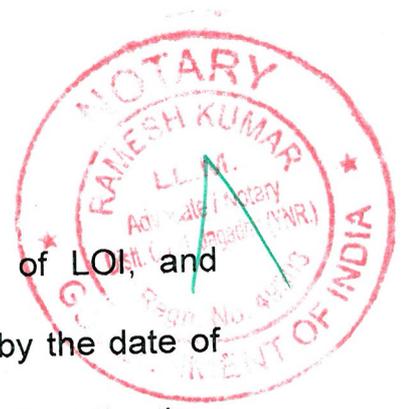
1. That the contents of Para 1 and Para 2 needs no reply from the answering respondent.

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2. The contents of the para 3, 4 and 5 are denied. The contents of preliminary objections and submissions are being reiterated.
3. The contents of Para 6 (i) ,(ii), (iii), (iv), (v) 2 needs no reply from the answering respondent.
4. That the contents of 6 (vi) are noted only to the extent that the Sustainable Sand Mining Management Guidelines, 2016 and the notification dated 15.01.2016 apply to the preparation of the District Survey Report (DSR). However, the Respondent's assertion that the DSR was valid till 23.05.2023 is not accepted as conclusive. The Applicant submits that the DSR was approved on 10.08.2017 and uploaded on 24.05.2018. In any case, there is no dispute that by the time of the e-auction dated 30.05.2023 and the mining plan approval dated 26.06.2023, the DSR, whether counted from date of approval or upload, was no longer valid. Hence, the process that followed was in violation of the statutory framework.
5. That the contents of para 6 (vii) are noted only to the extent that the notification dated 15.07.2018 is a matter of record. However, the Respondent's attempt to exclude its applicability by claiming retrospective inapplicability is fundamentally flawed. It is submitted that the validity of any District Survey Report (DSR), as well as all

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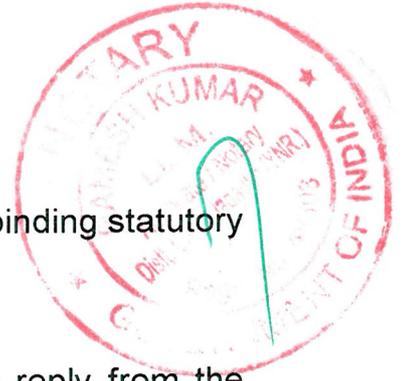


consequential actions including auction, issuance of LOI, and approval of mining plans, are governed not merely by the date of DSR preparation but by the prevailing legal framework at the time of the said actions.

In this regard, it is reiterated that the EIA Notification dated 14.09.2006, as amended from time to time, including the Office Memorandum dated 24.12.2013, which specifically lays down the procedure for environmental clearance for mining of minor minerals, forms the overarching statutory scheme. The 2013 notification mandates that environmental clearances for mining projects must be preceded by a scientific, site-specific DSR that reflects current environmental and geological conditions.

Thus, once the DSR prepared in 2017 and uploaded in 2018 ceased to be valid (after 5 years), all actions taken thereafter must comply with the 2013 notification, the 2016 Sustainable Sand Mining Guidelines, and the 2018 notification. The mining plan approvals and other consequential permissions issued in 2023, long after the expiry of the original DSR, cannot be shielded by relying on outdated data or earlier procedural milestones. These permissions

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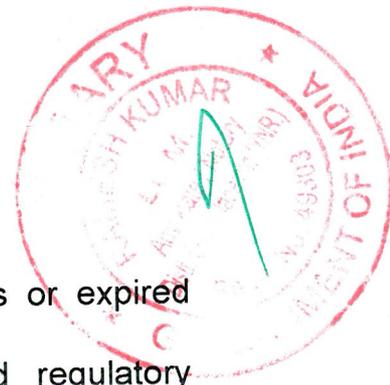


are rendered void ab initio for being contrary to the binding statutory framework in force at the relevant time.

6. The contents of Para 6 (viii) and 6 (ix) needs no reply from the answering respondent.
7. That the contents of Para (x) are noted to the extent that the 2020 Enforcement and Monitoring Guidelines for Sand Mining are a matter of record. However, the Respondent's assertion that these guidelines cannot be applied retrospectively is misleading. It is respectfully submitted that these Guidelines are procedural and regulatory in nature, intended to strengthen monitoring, compliance, and transparency in sand mining operations.

The guidelines apply to ongoing and prospective mining operations, particularly where approvals (such as the mining plan or NOC) are granted after the Guidelines came into force. In the present case, crucial permissions such as the mining plan approval dated 26.06.2023 were issued well after the 2020 Guidelines came into effect. Thus, compliance with the 2020 Guidelines was mandatory, and any deviation renders the subsequent approvals unsustainable in law.

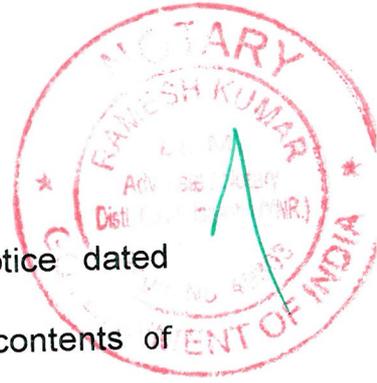
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The Respondent cannot rely on outdated processes or expired documents while seeking protection from updated regulatory norms. The guidelines of 2020 are directly attracted and applicable to the facts of the present case.

8. The contents of Para 6 (xi) needs no reply from the answering respondent.
9. That the contents of Para 6 (xii) are denied as being misleading and contrary to the record, except to the extent the Respondent has referred to the document marked as Annexure A-5. It is specifically submitted that the letter dated 15.09.2017 does not describe the District Survey Report (DSR) as a "draft." On the contrary, the said letter clearly refers to the District Survey Report as "duly approved by the Committee," thereby confirming that the approval was already complete. The Respondent's attempt to now treat the same as merely a draft DSR is an afterthought and a clear mischaracterization of the contemporaneous record.
10. That the contents of Para 6 (xiii) are denied as being misleading and contrary to the factual and legal position, except to the limited extent that the issuance of the public notice dated 18.08.2022 is a matter of record. It is submitted that the said public notice was

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merely a corrigendum to the original e-auction notice dated 26.07.2022, revising only the date of bidding. The contents of preliminary objections and submissions are being reiterated.

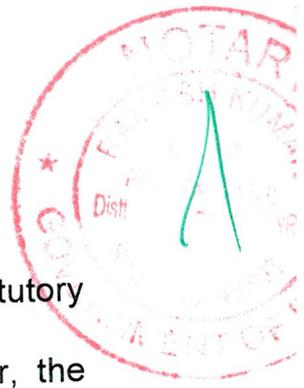
11. The contents of Para 6 (xiv) needs no reply from the answering respondent.

12. That the contents of Para 6 (xv), except the reference to the letter dated 26.06.2023 (Annexure A-8), are denied as being false and contrary to the statutory framework. The reliance placed on the mining plan approval dated 26.06.2023 is misconceived, as the same was granted at a time when no valid District Survey Report (DSR) was in existence.

It is reiterated that the validity of the DSR had already expired by 23.05.2023 (even assuming the Respondent's date of uploading i.e. 24.05.2018 is taken as the starting point). The approval of any mining plan in the absence of a valid and subsisting DSR is impermissible and violative of the Sustainable Sand Mining Guidelines, 2016, as well as the statutory Notification dated 15.01.2016.

The Respondent's attempt to justify the mining plan approval by relying on a replenishment study report is also untenable. The

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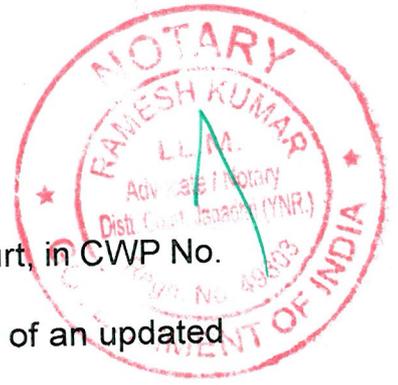
submission of such a study cannot substitute the statutory requirement of an updated, duly approved DSR. Moreover, the replenishment study itself forms part of the mining plan and cannot independently validate the process.

In this backdrop, the approval of the mining plan is void ab initio, and forms part of a defective and illegal chain of events arising from an e-auction conducted without a valid DSR, an LOI that was never updated post the second auction, and an approval process that lacks statutory basis. The preliminary submissions are reiterated in full.

13. That the contents of sub-paragraph No. xvi, except the reference to the e-auction notice dated 30.05.2023, are denied as being misleading and legally untenable.

The Respondent's own admission that the District Survey Report (DSR) was under the process of updation at the time of the e-auction dated 30.05.2023 conclusively proves the Applicant's case. It is now established that no valid DSR was in existence on the date of the second e-auction, rendering the entire auction process legally unsustainable.

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Moreover, the Hon'ble Punjab and Haryana High Court, in CWP No. 13772 of 2023, explicitly acknowledged the absence of an updated DSR and directed the Department not to issue any Letter of Intent (LOI) till the finalisation of the DSR. The Respondents cannot circumvent this judicial direction by claiming that the mining block was already covered under a previously issued LOI, especially when a fresh auction had already been conducted.

It is further submitted that conducting a fresh e-auction without a valid DSR is not a curable defect. The issuance of any LOI or approval thereafter would be non est in law, as it violates the letter and spirit of the Notification dated 15.01.2016 and the Sustainable Sand Mining Guidelines, 2016.

The attempt to salvage the process by pointing to the High Court's order only reinforces the illegality, it does not dilute it. Therefore, preliminary submissions are reiterated.

14. That the contents of paragraph No. 7 are denied as being factually incorrect and legally unsustainable. It is specifically denied that the process leading to the issuance of the e-auction notice, the LOI, and the approval of the mining plan was lawful or in compliance

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with the applicable regulatory framework, as already demonstrated in the preliminary submissions.

15. That the contents of paragraph No. 8 are denied as being misleading and contrary to law. It is submitted that the mining plan approval dated 26.06.2023 is vitiated and illegal ab initio, as it is based on a LOI dated 06.10.2022 which itself had lapsed due to new e-auction. The Respondent also conveniently overlooks the fact that no valid DSR was in existence at the time of the mining plan approval, a mandatory prerequisite.

Moreover, the Respondent's justification that the mining plan was approved based on a "detailed survey and replenishment study" is insufficient to cure the foundational illegality. Without a valid DSR, no downstream action, be it LOI issuance, mining plan approval, or EC can stand the test of legality, as the DSR forms the foundational basis for determining mineable areas, potential, and environmental safeguards. This procedural lapse vitiates the entire approval and is not rectifiable post facto.

The Respondent's assertion, therefore, merely seeks to validate a process that circumvents the statutory mandate, and must be

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rejected in toto. The contents of the preliminary submissions are reiterated.

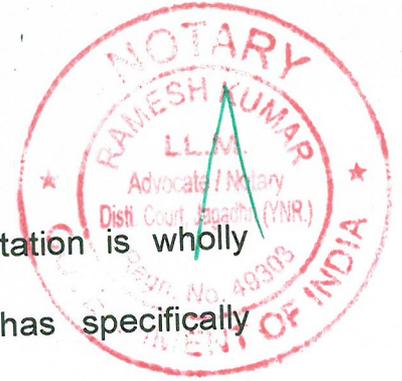
16. The contents of the para 9, 10 and 11 are denied. The contents of preliminary objections and submissions are being reiterated.

PARAWISE REPLY TO REPLY TO THE GROUNDS:

A. The contents of the para A to I are denied. The contents of preliminary objections and submissions are being reiterated. The Respondent's blanket denial of the Applicant's legal submissions and judicial precedents is evasive and lacks any substantive rebuttal. The Applicant has cited binding judgments of this Hon'ble Tribunal and other constitutional courts which categorically affirm that no mining-related approvals be it e-auction, LOI, or mining plan can be granted in the absence of a valid DSR. The present case squarely falls within that category, as the approvals were issued during the period when no valid DSR existed. The grounds raised in the Original Application are firmly rooted in settled environmental jurisprudence and deserve full consideration.

REPLY TO REPLY ON LIMITATION

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The Respondent's objection on the ground of limitation is wholly misconceived and unsustainable. The Applicant has specifically challenged approvals and actions, such as the mining plan approval dated 26.06.2023 and the e-auction notice dated 30.05.2023, which were undertaken within six months prior to the filing of the Original Application, and thus well within the limitation period prescribed under Section 14(3) of the National Green Tribunal Act, 2010.

It is settled law that a continuing cause of environmental illegality or an ongoing violation of a statutory condition triggers a fresh cause of action. Hence, the objection raised by the Respondent is meritless and deserves to be rejected outright.

REPLY TO PRAYER:

In view of the aforementioned facts, discrepancies, and procedural lapses, the Applicant respectfully submits that this Hon'ble Tribunal may be pleased to take the present rejoinder on record and grant the prayer(s) sought in the Original Application (O.A.). The Applicant further prays for such other orders as this Hon'ble Tribunal may deem just and proper in the facts and circumstances of the case.

BalGir Sanyal
Deponent

Serial No. 260

Date: 34 4-8-25

Verification

Verified on 04 August, 2025 that the facts and circumstances as mentioned are true and correct to the best of my knowledge and nothing material has been concealed herein.

BalGir Samhu
Deponent

Q. Carth
I know the Deponent/Executant personally & he/she has Signed put his/her thumb impression in my presence. *953700087*



Ramesh Kumar
ATTESTED
Ramesh Kumar
Advocate /Notary
Distt. Court, Jagadhri (YNR)
Mob. 9355335648
4-8-2025

Serial No. *960*
Dated *4-8-2025*

No. 6771-33 /13-W

Dated 26.11.2023

To

M/s Maa Vaishno Minerals,
Shop No. 1, Ror Colony,
Phoos Garh Road, Sector-33,
Kamal, Haryana.
Mobile No.:- 9315133000

Subject: Regarding NOC from the Irrigation & W.R. Department, Haryana for river bed mining in Belgarh North Block located at Village Belgarh Sub Tehsil Pratap Nagar in District Yamuna Nagar.

In continuation of this office letter No 5902/13W dated 29.09.2023, it is intimated that the case regarding grant of NOC from the Irrigation & W.R. Department, Haryana for river bed mining in Belgarh North Block located at Village Belgarh Sub Tehsil Pratap Nagar in District Yamuna Nagar with field perspective stands was submitted to Government for decision. The Government has denied to grant the NOC vide the Commissioner and Secretary to Government, Haryana, I&WRD letter No. 309/7YWS dated 08.11.2023(Copy enclosed).

This is for your information.

Executive Engineer
Water Services Division
Jagadhri

C:- 1. The Director, Mines and Geology Haryana, Plot No. 9, I.T. Park, Sector-2 Panchkula with respect to the Commissioner and Secretary to Government Haryana, I&WRD letter No. 309/7YWS dated 08.11.2023(Copy enclosed) for information and further necessary action Please.

2. The Mining ~~Office~~, Mines and Geology Department, Yamuna Nagar with respect to the Commissioner and Secretary to Government, Haryana, I&WRD letter No. 309/7YWS dated 08.11.2023(Copy enclosed) for information and further necessary action Please.