

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
IN

ORIGINAL APPLICATION NO. 272/2025  
(IA No. 272/2025 & 420/2025)

IN THE MATTER OF:

ANIL KUMAR

APPLICANT

Versus

MoEF&CC & ORS

RESPONDENT(S)

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Date- 11.11.2025

*Ankit Verma*

FILED THROUGH

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REPLY AFFIDAVIT OF DISTRICT MINES OFFICER, DISTRICT  
JALAUN (ON BEHALF OF RESPONDENT NOS 2,3 AND 6) IN  
COMPLIANCE OF ORDER DATED 29.05.2025 PASSED BY  
THIS HON'BLE TRIBUNAL

The Respondent herein states as under:

MOST RESPECTFULLY SHOWETH:

I, Sunny Koushal aged about 38 years, S/o Bijay Kumar Gupta presently posted as District Mines Officer, District Jalaun, the deponent on behalf of Respondent Nos 2,3 and 6, do hereby solemnly state and affirm as under:-

1. That I am the above-mentioned authorized officer on behalf of answering Respondent No.2,3, 6 and is duly competent to file the present affidavit. That the Deponent is well conversant with the facts and the circumstance of the instant case and is competent to swear this affidavit.

2. That the Deponent has read and understood the contents of the present affidavit. The averments made in the Original



S. N. TIWARI  
Notary, Ora (Jalaun)  
R.N.-49(19) 2000

Application, which are not specifically admitted hereunder must be considered to have been denied by the Deponent.

3. That the deponent is posted as District Mines Officer, District Jalaun, since 04.11.2025 and is swearing this affidavit in his official capacity.
4. That this Hon'ble Tribunal vide its order dated 29.05.2025 was pleased to issue the following directions: -

**"..... 4. Issue notice in OA and IA No.421/2025 to the respondents for filing their response/reply by way of affidavit before the Tribunal at least one week before the next date of hearing through e-filing. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.**

**5. Applicant is directed to serve the respondents and file affidavit of service at least one week before the next date of hearing.**

**..... 8. List along with OA No. 13/2025 on 14.08.2025."**

5. That the present reply affidavit is being filed in respectful compliance of the order dated 29.05.2025 passed by this Hon'ble Tribunal, in this present Original Application.

6. That it is submitted that this Hon'ble Tribunal in its order dated 29.05.2025 passed in the instant Original Application was pleased to observed that in an an identical matter titled



as Radheyshyam v/s Moef & Ors Original Application No.13/2025 *Similar issue is involved in OA No. 13/2025:Radheshyam Vs. MoEF&CC&Ors., wherein same DSR and similar advertisement are under challenge on the same ground.*

7. That it is most respectfully submitted that a detailed reply has been filed by the deponent in the aforesaid Original Application (13/2025) on 03.03.2025.
8. That at the very outset, it is pertinent to submit that the aforementioned Original Application, filed by the applicant seeking the quashing of the District Survey Report for District Jalaun, which has been approved by SEIAA, UP on 28.05.2024 and setting aside the Advertisement dated 16.11.2024, is predicated upon baseless, misleading, and erroneous assertions. Consequently, the Original Application filed by the Appellant is devoid of merit, not maintainable in law, and thus liable to be dismissed.
9. That the applicant in the instant Original Application at Page No 7 has declared himself as resident of Village - Mahtoli, Tehsil - Madhavgarh in District - Jalaun, and on other hand at Page No-9 & 10 of the instant OA it has been claimed that the applicant is resident of District Hamirpur and an agriculturist by proffession. That such mis-leading facts has been produced with intensions to create operational



hindrance's on the routine e-tender process and create shortage of minor minerals in the District.

10. That the applicant in the instant Original Application has challenged the advertisement dated 16.11.2024 for grant of "several mining leases", whereas, the said advertisement contained e-auction planning of only 2 out 81 areas as per the approved DSR by SEIAA.

11. That the present OA is baseless , defective and prepared with intensions to derail the mining operations. The fact remains that the applicant has made Respondent No 8 a party who is LoI holder of the lease mentioned at Serial No. 2 of the said advertisement. This lease admeasuring 10.00 ha is located in Yamuna River Bed in Village - Mahatauli, Tehsil - Madhavgarh of District Jalaun which shares boundary with District - Auraiya. River Yamuna in this area forms the basis of District boundary of Jalaun and Auraiya.

12. That the contention of applicant in instant OA is very clear that he is concerned about the lease located in Yamuna River Bed in Village - Mahatauli, Tehsil - Madhavgarh of District Jalaun , as he also claims that he is a native resident of this Mahatauli village. It becomes ambiguous as to why the applicant has deliberately made DM Hamirpur as Respondent 7 , who does not share boundary with the lease. Hence in this lease specific case Respondent No 6 (DM Jalaun) cannot be made party with Respondent No 7 (DM



Hamirpur) and OA is liable to be dismissed alone on this ground.

13. That the applicant on mere assumptions, contends that the DSR has been prepared without carrying out replenishment study in accordance with EMGSM 2020 Guidelines issued by MoEF. It is further submitted that the process of commencement of mining operations of any mining lease is not limited to Replenishment Study and DSR as allotment of a lease is subject to rigorous regulatory scrutiny and mandatory clearances, including the approval of a Mining Plan, Environmental Impact Assessment (EIA), Public Hearing, Environmental Clearance (EC), and Consent to Operate (CTO).

14. That the impugned District Survey Report (DSR) of District Jalaun has been duly approved, and pursuant to its implementation, the advertisement dated 16.11.2024 has been issued in accordance with the law. There exists no illegality or procedural infirmity in the process. Furthermore, the State Government is vested with the authority to auction mining leases under Rule 23(1) of the Uttar Pradesh Minor Mineral (Concession) Rules, 2021 (UPMMCR-2021).

15. That the District Survey Report (DSR) for District Jalaun has been meticulously prepared by the competent authority through a duly authorized Sub Divisional Committee, following a comprehensive replenishment study,



which includes the incorporation of precise geo-coordinates. That the District Survey Report (DSR) prepared by the Sub-Divisional Committee, along with Annexures 01 to 07, was first uploaded on the NIC portal of District Jalaun for a period of 30 days on 16.01.2024, inviting objections/suggestions from the general public. Additionally, the same was published in two newspapers. However, no objection or suggestions were received. Thereafter, the DSR was submitted to SEIAA on 27.02.2024 for approval. The DSR proposal has also been duly examined by an inter department committee constituted for this purpose by the State Government in which officers from Geology and Mining Department, Forest, Revenue, Irrigation and Environment Department are members. The committee's report is placed at Annexure-1. SEIAA has granted approval on 28.05.2024 in accordance with the prescribed regulations.

16. That an initial District Survey Report for District-Jalaun was formulated by the District Environmental Impact Assessment Authority (D.E.I.A.A.)/District Environmental Appraisal Committee (D.E.A.C.) in the year 2017, in accordance with the guidelines and notification dated 15.01.2016 issued by the Ministry of Environment, Forest, and Climate Change (MoEF) Notification.

That this Hon'ble Tribunal in the case of Raj Kumar v/s State of U.P. (OA No.140/2021) vide its judgment dated



06.05.2022 held that a replenishment study is mandatorily to be conducted prior to e-auctions in future and also for the current leases and directed that such studies to be expedited and completed in a time bound manner i.e. by 31.12.2022 for all Districts in U.P. failing which no mining shall be permitted.

18. That a progress statement regarding the completion of scientific replenishment studies for various rivers and districts of Uttar Pradesh, including District-Jalaun, conducted by Central Mine Planning & Design Institute Limited(C.M.P.D.I.L) in the year 2022, was submitted by the Directorate of Geology and Mining (DGM) to the State Environmental Impact Assessment Authority (SEIAA).
19. That subsequently, the Secretary, Mining, State of Uttar Pradesh, through an office order dated 17.05.2023, issued a comprehensive procedure for the modification of the District Survey Report (D.S.R.) and Replenishment Study, in alignment with the Sustainable Sand Mining Guidelines, 2016 (SSMG-2016) and the Enforcement & Monitoring Guidelines for Sand Mining, 2020 (EMGSM-2020), to be undertaken on an annual basis.
20. That pursuant thereto, the process for conducting Replenishment Study was initiated during the pre-monsoon period of 2023 by the District Level Sub-Committee. In compliance with the office order of the Secretary, Mining,



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State of Uttar Pradesh, dated 17.05.2023, a formal directive for the constitution of a District Level Committee for the preparation of the Revised District Survey Report (D.S.R.) and Replenishment Study was issued by the office of the deponent vide order dated 10.07.2023.

21. That thereafter, the Replenishment Study was duly completed during the post-monsoon period of 2023 by the Sub-Divisional Committee.

22. It is submitted that studies of available minor minerals were done prior to preparation of the D.S.R. of District Jalaun of Year 2024. That further on the basis of the said Replenishment Study, the District Survey Report, of District Jalaun of Year 2024, pertaining to River Bed Sand/Morrum Mining Areas, has been duly prepared and recommended on 24.02.2024 by the Sub-Divisional Committee, of District Jalaun, which was constituted in accordance with the provisions of MoEF& CC Notification No. S.O. 141(E) dated 15.01.2016, S.O. 3611(E) dated 25.07.2018, and the Sustainable Sand Mining Management Guidelines – 2016 (as revised). Upon securing the requisite approval from the competent authority, the said report has been duly enforced which is in conformity with the Standard Operating Procedure (SOP) issued by SEIAA, U.P. dated 28.05.2024.



23. That after following all due procedures, the SEAC has considered the DSR of District Jalaun on 04.04.2024 and had forwarded it to SEIAA's for approval.
24. That it is relevant to mention here at this juncture that the DSR- Jalaun has been duly approved by the SEIAA on 28.05.2024 and the same was uploaded on the official website on 04.06.2024.
25. That a field investigation to assess the mineral potential of the available sand mining leases was conducted prior to the onset of the monsoon season in 2024, wherein a substantial presence of minerals was observed in stratified layers.
26. That with respect satisfying the requirements of the Clause 9.3 of the EMGSM-2020 Guidelines, it is submitted that Draft DSR was uploaded in the public domain for a period of one month for obtaining objections/comments and in that period no comments/on objections were received. It is also pertinent to mention that the Clause 9.3 of the EMGSM-2020 Guidelines principally deals with the mechanism of "Monitoring of Mining near Inter-district or inter-state boundary" and has a requirement of "task force" for monitoring of mined minerals.
- That the Additional Chief Secretary Mining vide his Office Order dated 20/03/2018 issued directions to all the District Magistrates of the State of Uttar Pradesh to



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constitute District Level Task Force for preventing illegal mining and transportation.

28. That the then District Magistrate (Respondent No.6) in compliance of the aforesaid order, issued an Office Order dated 27/11/2021 for forming of the District Level Task Force.

29. That it is respectfully submitted that in the case of a mining lease located in an area with significant mineral potential, the flow of the river in its vicinity remains a dynamic process, with water levels fluctuating due to seasonal monsoons and glacial effects. Such hydrological variations are systematically surveyed and assessed by the leaseholder, and corresponding safety provisions are incorporated into the approved mining plan.

30. That the leaseholder conducts an in-depth geological assessment and prepares an Environmental Impact Assessment (EIA) report, pursuant to which Environmental Clearance (E.C.) is obtained. The E.C. stipulates the 'number of dry working days' during which mining operations may be conducted. A valid mining lease is thereby granted, ensuring that all mining activities are restricted to designated dry zones and are undertaken only after a gradual reduction in water levels, in strict compliance with the conditions set forth in the E.C. and the approved mining plan.



31. That consequently, after the execution of the lease deed and upon commencement of mining operations, if any unforeseen issues related to waterlogging arise, such affected portions shall be promptly identified, restricted from mining activities, and formally designated as 'no-mining zones' to safeguard environmental and operational safety.

32. That the office of District Magistrate (Respondent No 6) issued an office order dated 29.05.2024, pursuant to which existing leaseholders conducted a survey. Subsequent to the completion of the survey, the aforementioned leaseholders submitted their respective reports on the replenishment study. Furthermore, the ongoing operation of the subject leases is predicated upon the findings of the said replenishment study.

33. That in Jalaun District, it is strictly ensured that leaseholders timely conduct and submit pre-monsoon and post-monsoon replenishment study reports. These reports form the basis for determining the operational feasibility of the leases in the subsequent mining season. Accordingly, the status of operative leases that have completed the replenishment process is duly recorded and monitored.

34. That it is imperative to note that mining areas cannot remain unoccupied for an extended period due to inter-district stake holding, as prolonged vacancy significantly increases the risk of illegal mining activities. Accordingly, an



E-Tender-cum-E-Auction Notice dated 16.11.2024 was issued in strict adherence to the applicable rules and regulations.

35. That it is pertinent to highlight that, the said e-tender under question witnessed participation from more than thirty-nine prospective bidders, ultimately resulting in the lease securing the highest bid of ₹1,781 per cubic meter, thereby yielding an annual royalty of ₹17.81 crores, and Respondent consequently issued a Letter of Intent (LOI) on 22.01.2025 to Mr. Pramod Kumar Singh, R/o - Pathanpura, Thana - Rath, District - Hamirpur for area admeasuring 10 Hectares situated at Village - Mahatauli, Tehsil - Madhavgarh, District - Jalaun for a period of 5 years for Sand/Morrum who has deposited an advance royalty amount of Rs. 8.01 crores as per conditions of LoI. It is submitted that mining operations for aforesaid lease area has not commenced as of now, as the LoI holder is in the process of securing Environment Clearance.

36. That the deponent herein undertakes before this Hon'ble Tribunal that the District Administration Jalaun has ensured that all necessary environment and statutory compliances are completed before actual commencement of mining operations by the Intending Lease Holders.

37. That the deponent most respectfully submits before this Hon'ble Tribunal that he is duty bound to ensure the



compliance of the orders passed by this Hon'ble Tribunal and the sand mining guidelines issued by the MoEF.

*[Signature]*  
**DEPONENT**

Verification

Verified at Jalaun....., on 11/11/2025 that the contents of the paras 1 to of this affidavit are true and correct to the best of my knowledge. No part of it is false and nothing material has been concealed therefrom.

*[Signature]*  
**DEPONENT**



sworn this day at year of 2025  
at Jalaun as deponent  
of this document who is identified by  
Public Notary Office Jalaun.  
who is personally  
known to me. I have received my fees.

*[Signature]*  
**S. N. TIWARI**  
Notary, Orai (Jalaun)  
11/11/25