

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH SITTING AT NEW DELHI**  
**ORIGINAL APPLICATION NO. 462 OF 2023**

**IN THE MATTER OF:**

RAJA RAM SINGH

.....APPLICANT

VERSUS

STATE OF U.P & ORS.

.....RESPONDENTS

**I N D E X**

<b><u>PARTICULARS</u></b>	<b><u>PG. NO.</u></b>
REPLY ON BEHALF OF RESPONDENT NO. 06 WITH SUPPORTING AFFIDAVIT	
<b><u>ANNEXURE RA-01</u></b> True copy of license dated 06.04.2023	
<b><u>ANNEXURE RA-02</u></b> True copy of Page No. 07 of Joint Committee	
COPY OF VAKALATNAMA	

THROUGH,

*Hem Chandra*

HEM CHANDRA JOSHI  
ADVOCATE

FOR R-06  
OFFICE: 4/183, VIRAM KHAND-04, GOMTI NAGAR  
LUCKNOW, U.P-226010  
9455876388  
HEMCHANDRA85IN@GMAIL.COM

DATED: 21.02.2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**PRINCIPAL BENCH SITTING AT NEW DELHI**

**ORIGINAL APPLICATION NO. 462 OF 2023**

**IN THE MATTER OF:**

RAJA RAM SINGH

.....APPLICANT

VERSUS

STATE OF U.P & ORS.

.....RESPONDENTS

**AND IN THE MATTER OF:**

**REPLY ON BEHALF OF RESPONDENT NO. 06 I.E UMESH**

**KUMAR SINGH S/O JITENDAR BAHADUR SINGH.**

1. That the present Original Application is filed before this Hon'ble Tribunal regarding the grievances of illegal mining in villages Majharath, Jaitpur, Nawabganj, Tehsil Tarbganj, District Gonda, illegal transportation of the extracted minor minerals by overloaded trucks numbering more than 700 everyday, storage and illegal sale of minor mineral measuring about 20 lakh cubic meters and damage caused to Patpar Ganj Bridge and Road by overloaded trucks.

2. Further Vide order dated 02.08.2023, this Tribunal constituted a Joint Committee comprising of Ministry of Environment, Forest and Climate Change (MoEF&CC), Central Pollution Control Board (CPCB), National Mission for Clean Ganga (NMCG), Uttar Pradesh Pollution Control (UPPCB) and District Magistrate, Gonda and directed the same inter alia to look into the grievances of the applicant, verify the factual position, take appropriate remedial action by following due course of law and giving opportunity of being heard to the project proponent and submit its report within two months.
3. It is further submitted that the committee has visited the site in question on 21.09.2023 with all the designated members and filed their report on 30.10.2023 before the Hon'ble Tribunal. However as it was directed by the Hon'ble Tribunal as the present petition was a letter petition therefore the applicant who have written letter to Hon'ble Chairman of this Hon'ble Tribunal shall also be present with the committee to assist them to visit the places where he has alleged that rampant illegal mining is going on in the areas surroundings

village Majharath and Jaitpur, Tehsil Tarabganj, district Gonda but the applicant was not present during joint inspection and also not traceable when contacted by the joint committee.

**FINDINGS OF THE COMMITTEE IN RESPECT OF  
RESPONDENT NO. 06 I.E PROJECT PROPONENT**

4. The joint committee in its report dated 30.10.2023 given finding that there are three sand storage in the area located near by the area in question. Out of these three- storage areas, one at Laua Beerpur is having storage license in the of Shri Umesh Kumar Singh, R/o- Vill- Khanpur, P.S.- Wazirganj, Tehsil- Tarabganj, District- Gonda who is also the answering respondent for storage of 5000 cubic meter ordinary sand at Gata No.- 3318 having an area of 0.3830 Hectare, and sand is stored in unauthorized way at remaining two storage areas at Nawabganj gird and Paraspur without obtaining any storage license from the concerned Department.

5. Further it is submitted that the committee visited all the abovementioned three storage areas during the visit. The Mining Inspector, Gonda informed that around 1600 cubic meter sand is stored in authorized storage area at Laura Beerpur which belongs to the answering respondent and 9337.5 cubic meter and 464 cubic meter sand is stored at unauthorized/ without license storage areas at Nawabganj Gird and Paraspur area respectively.

**SUBMISSION OF ANSWERING RESPONDENT IN RESPECT OF JOINT COMMITTEE FINDINGS.**

6. It is most respectfully submitted that the respondent no. 06 i.e shri Umesh Kumar Singh s/o Jitendra Bahadur Singh is the lawful owner of the Plot/ Gata no. 3318 having an area of 0.3830 hectare located at Laura Beerpur and on which the District Magistrate, Gonda have issued a ordinary sand storage license to answering respondent vide mineral storage license no. 2513/KHANAN/BHAND/2023 dated 06.04.2023 which is valid upto 09.10.2023. A True copy of license dated 06.04.2023 is annexed and marked as **ANNEXURE RA-01**

It is pertinent to point out at this juncture that the storage license which was issued to answering respondent is in respect of storage of ordinary sand with total capacity of 5000 cubic meter for sale purpose, and as per the joint committee report dated 30.10.2023 on page no. 07, at the storage site of answering respondent only 1600 cubic meter of ordinary sand is found stored which is under the permissible limit therefore there is no violation of the storage license by the answering respondent. A True copy of Page No. 07 of joint committee is annexed and marked as **ANNEXURE RA-02.**

7. In the light of above facts and circumstances it is very graciously submitted that the answering respondent have stored the ordinary sand within the permissible capacity hence violation.

THROUGH,



**HEM CHANDRA JOSHI**

**ADVOCATE**

**FOR RESP-06**

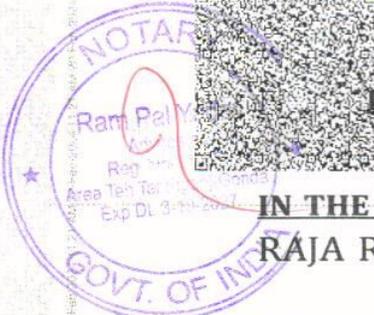


Salehura Kumar Kashyap  
ACC Code - UP14624804  
ACC Address - TARAABGANJ GONDA  
Licence No. - 2/2  
Tahsil - TARABGANJ  
District - GONDA

e-Stamp

Certificate No. : IN-UP70668641327999W  
 Certificate Issued Date : 20-Feb-2024 11:21 AM  
 Account Reference : NEWIMPACC (SV)/ up14624804/ TARABGANJ/ UP-GND  
 Unique Doc. Reference : SUBIN-UPUP1462480437578317808997W  
 Purchased by : UMESH SINGH SON OF JITENDRA BAHADUR SINGH  
 Description of Document : Article 4 Affidavit  
 Property Description : Not Applicable  
 Consideration Price (Rs.) : 10  
 (Ten only)  
 First Party : UMESH SINGH SON OF JITENDRA BAHADUR SINGH  
 Second Party : Not Applicable  
 Stamp Duty Paid By : UMESH SINGH SON OF JITENDRA BAHADUR SINGH  
 Stamp Duty Amount(Rs.) : 10  
 (Ten only)

Notaria  
Rs. 10/- Affixed  
Ram Pal Yadav  
Notary Tarabganj-Gonda(U.P)



**BEFORE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, SITTING AT NEW DELHI ORIGINAL  
APPLICATION NO. 462 OF 2023**

**IN THE MATTER OF:** Please write or type below this line

**RAJA RAM SINGH** .....APPLICANT  
**STATE OF U.P & ORS.** VERSUS .....RESPONDENTS

**AFFIDAVIT**

I, Umesh Singh, S/o Shri. Jitendra Bahadur Singh, aged 44 years, R/o Khanpur, Gonda, Uttar Pradesh-271303, presently at Gonda, do hereby solemnly affirm and state as under:

1. That I am Respondent No. 06 in the above mentioned Original Application and I am fully conversant with the facts and circumstances of the case and I am competent to swear this affidavit.
2. That I have read and understood the contents of the Reply, hence swearing the present affidavit.
3. I state that the contents of the above Reply which has been drafted under my instructions are true and correct to the best of my knowledge and belief and the same is read over to me in my vernacular and no part of it is false and nothing material have been concealed therefrom.

*(Signature)*

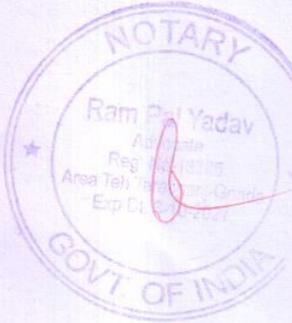
**DEPONENT**

Statutory Alert

1. The authenticity of this Stamp Certificate should be verified at [www.e-stamp.com](http://www.e-stamp.com) or using e-Stamp Mobile App or check any discrepancy in the details of this Certificate and as available on the website / Mobile App renders it invalid.  
2. The cost of checking the legitimacy is on the track of the certificate.  
3. In case of any discrepancy please info in the Competent Authority.

**VERIFICATION**

I the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.



Verified at Gonda on the 20th day of February , 2024.

Solemnly Affirmed &  
Declared before me  
on

Rampal Yadav  
Notary, Tehsil Tarabganj  
Gonda (U.P.)

20/2/2024

**DEPONENT**

प्रपत्र-खखनिजों के भण्डारण हेतु अनुज्ञप्ति  
(नियम-6 देखिए)

संख्या- 2513 / खनन / भण्डा0 / 2023,

दिनांक 06/04/2023

1. अनुज्ञप्तिधारी का नाम व पता- श्री उमेश कुमार सिंह पुत्र श्री जितेन्द्र बहादुर सिंह निवासी- खानपुर, थाना-वजीरगंज, तहसील-तरबगंज, जनपद-गोण्डा।
2. अनुज्ञप्ति की अवधि-
3. भण्डारण की अनुज्ञा प्राप्त खनिजों की मात्रा :- साधारण बालू 5000घनमीटर
4. प्रत्येक खनिज की एक ही समय में अनुज्ञा प्राप्त मात्रा :- साधारण बालू 5000घनमीटर
5. भण्डारण का प्रयोजन :- बिक्री
6. खनिजों के भण्डारण हेतु उपयोग होने वाली भूमि की अवस्थिति:-

जिला	तहसील	ग्राम/नगर	गाटा सं०	अवस्थिति हे० में
1	2	3	4	5
गोण्डा	तरबगंज	खानपुर	3318	0.3830

अनुज्ञप्ति की शर्तें:-

1. भण्डारण स्थल पर प्रमुखता से विक्रय मूल्य अनुज्ञप्तिधारी प्रदर्शित करें।
2. अनुज्ञप्तिधारी को स्टॉक के समुचित अनुश्रवण हेतु सीसीटीवी कैमरा और जांच द्वारा अभिनियोजित करना होगा तथा, उसकी रिकार्डिंग कम से कम 30 दिन तक सुरक्षित रखनी होगी।
3. अनुज्ञप्तिधारी प्रत्येक वर्ष 30 जून तक साधारण बालू की भण्डारित मात्रा के 90प्रतिशत स्टॉक का निस्तारण करते हुए, इस आशय का घोषणापत्र अक्टूबर माह के प्रथम सप्ताह में जिलाधिकारी को उपलब्ध कराना होगा, जिसका सत्यापन जिलाधिकारी द्वारा कराया जायेगा।
4. भण्डारित उपखनिजों का परिवहन प्रपत्र ग के द्वारा किया जायेगा, जिसका लेखा अद्यावधिक रिथिति में भण्डारित स्थल पर रखना अनिवार्य होगा।
5. खनिज का भण्डारण करने के दौरान अनुज्ञप्तिधारक द्वारा अनुज्ञप्ति प्रदत्त उक्त भू-खण्ड के आस-पास स्थित किसी आबादी, सार्वजनिक स्थल एवं सार्वजनिक सड़क मार्ग आदि को क्षति नहीं पहुंचायी जायेगी।
6. समस्त रिपोर्ट, विवरणीयां और राजिस्टर अनुज्ञप्तिधारी द्वारा अनुरक्षित किये जायेगें, और कारोबार स्थल पर रखे जायेगें तथा निरीक्षणकर्ता अधिकारी को उपलब्ध कराये जायेगें।

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7. अनुज्ञप्तिधारी खनिजों को भण्डारित करते हुए अथवा उन्हें प्रसंस्करण संयंत्र या सज्जीकरण संयंत्र या कारखाना में उपयोग करते समय पर्यावरण को प्रदूषित नहीं करेगा।
8. अनुज्ञप्तिधारी को खान निदेशालय के निरीक्षण कर्ता अधिकारियों को खनिज स्टॉक का सत्यापन करने और नमूना तथा अभिलेखों का उद्धरण ग्रहण करने हेतु भण्डारण, कारखाना, प्रसंस्करण संयंत्र तथा सज्जीकरण संयंत्र का निरीक्षण करने देना होगा।
9. अनुज्ञप्ति अवधि के दौरान किसी भी समय अनुज्ञप्ति के शर्तों को अनुज्ञप्तिधारक द्वारा भंग किये जाने पर नियमानुसार कार्यवाही अमल में लायी जायेगी।

स्थान-गोण्डा।

दिनांक- / / 2023

(डा० उज्जवल कुमार)  
जिलाधिकारी,  
गोण्डा।

कार्यालय जिलाधिकारी, गोण्डा।

(खनिज अनुभाग)

दिनांक / / 2023

पत्रांक

/खनन/2022-23/भण्डा०/2023,

प्रतिलिपि:- निम्नलिखित को सूचनार्थ प्रेषित।

1. उपजिलाधिकारी तरबगंज।
2. क्षेत्राधिकारी पुलिस, वजीरगंज, जनपद गोण्डा।
3. खान निरीक्षक गोण्डा।
4. थानाध्यक्ष/प्रभारी निरीक्षक, वजीरगंज जनपद गोण्डा।
5. अनुज्ञप्तिधारी- श्री उमेश कुमार सिंह पुत्र श्री जितेन्द्र बहादुर सिंह, निवासी  
ग्राम-खानपुर तहसील तरबगंज जनपद-गोण्डा।

  
जिलाधिकारी,  
गोण्डा।

6.1.7. As the mining were not in operations due to the rainy season as well as the temporary approach road through agriculture field sand river distributaries is also under water/mud, the exact status could not get verified. However, taking into account the size and condition of village road movement of 700 trucks per day is not feasible.

6.2. Storage and illegal sale of minor mineral measuring about 20 lakh cubic meters.

6.2.1. The Mining Department informed that three sand storage areas are located near by the area in question. Out of these three-storage areas, one at Laua Beerpur is having storage license in the of Shri Umesh Kumar Singh, R/o- Vill- Khanpur, P.S.- Wazirganj, Tehsil- Tarabganj, District- Gonda for storage of 5000 cubic meter ordinary sand at Gata No.- 3318 (Annexure- 05). and sand is stored in unauthorized way at remaining two storage areas at Nawabganj gird and Paraspur without obtaining any storage permission. These two unauthorized storages have already been sealed by the Mining department. The sealing certificates as provided by Mining Department, Gonda are annexed as (Annexure- 06 & 07).

6.2.2. The committee visited all these three storage areas during the visit. The Mining Inspector, Gonda informed that around 1600 cubic meter sand is stored in authorized storage area at Laua Beerpur and 9337.5 cubic meter and 464 cubic meter sand is stored at unauthorized storage areas at Nawabganj Gird and Paraspur respectively.

6.2.3. Considering the above total storage of sand (Authorized and unauthorized sealed) is around 11,401.5 cubic meter only. And as such huge storage of 20 lakh cubic meter sand as mentioned by the applicant was note existed/ traced at the location.

6.3. Damage caused to Patpar Ganj Bridge and Road by overloaded trucks.

6.3.1. The committee visited the mentioned bridge during the visit. The bridge was visually found in condition.

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**VAKALATNAMA**  
**BEFORE HON'BLE NATIONAL GREEN TRIBUNAL**  
**ORIGINAL APPLICATION NO. 462 OF 2023**

IN Re :-

RAJA RAM SINGH.

Plaintiffs/Appellant/Petitioner/ Applicant

Versus

STATE OF UTTAR PRADESH & ORS.

Defendants/Respondent/Accused

KNOW ALL to whom these present shall come that I/We Umesh Kumar Singh the  
abovenamed Respondent No. 06 do hereby appoint.

HEM CHANDRA JOSHI, ADVOCATE  
ENROL NO. UP/08031/2016

/IRAM KHAND-04, GOMTI NAGAR, LUCKNOW, U.P-226010

(herein after called the advocates) to be my/our Advocate in the above-noted case authorize them :-

- To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be also in the appellate Court including High Court subject to payment of fees separately for each court by me/us.
- To sign file verify and present pleadings appeals cross-objections or petitions for executions review revision with or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of its stages subjects to payment of fees for each stage.
- To fill and take back documents to admit and/or deny the documents of opposite party.
- To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise in manner relating to the said case.
- To take execution proceedings.
- The deposit draw and receive money cheques, cash and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.



And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purpose.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I/We or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fees is paid. I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more that 3 years the original fee shall be paid again by me/us.

IN WITNESS WHERE OF I/We do hereunto set my/our hand to these present the contents of which have been understood by me/us on this 19<sup>th</sup> Day of December 2023

Accepted subject to terms of fees.

Hem Chandra

Advocate

उमेश सिंह

CLIENT

( UMESH SINGH )