

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 1040/2024**

**IN THE MATTER OF:**  
SURENDER & ORS.

...APPLICANT(s)

**VERSUS**

STATE OF UTTAR PRADESH & ORS.

...RESPONDENT(s)

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2.	A COPY OF LETTER DATED 31.01.2025 IS ANNEXED HEREWITH AND MARKED AS <b>ANNEXURE-1</b>	
3.	A COPY OF LETTER DATED 03.02.2025 AND INSPECTION REPORT DATED 01.02.2025 IS ANNEXED HEREWITH AND MARKED AS <b>ANNEXURE-2</b>	
4.	A COPY OF LETTER DATED 05.03.2025 IS ANNEXED HEREWITH AND MARKED AS <b>ANNEXURE-3</b>	

**THROUGH**



BHANWAR PAL SINGH JADON  
STANDING COUNSEL FOR THE STATE OF U.P.

EMAIL- [bhanwar09jadon@gmail.com](mailto:bhanwar09jadon@gmail.com)

PHONE NO: 6375115224

**DATE: 17.03.2025**

**PLACE: Lucknow**

556



**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 1040/2024**

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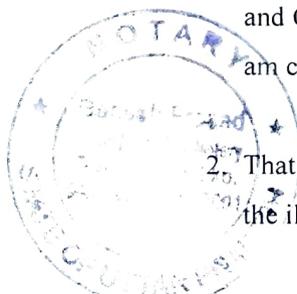
**REPLY ON BEHALF OF RESPONDENT NO. 1 IN COMPLIANCE OF  
ORDER DATED 13.01.2025 PASSED BY THE HON'BLE NATIONAL  
GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI**

I, Sushant Sharma, aged about 55 years, S/o Shri Hari Chand, posted as Secretary, Department of Environment, Forest and Climate Change, U.P., do hereby solemnly affirm and state as under:

1. I, Sushant Sharma, posted as Secretary, Department of Environment, Forest and Climate Change, U.P., am fully conversant with the facts of the case and am competent and authorized to swear the present Affidavit.

2. That in the present Original Application, complain has been made regarding the illegal sand mining in Kaimoor Wildlife Sanctuary area.

3. That the Hon'ble Tribunal vide order dated 13.01.2025 directed the present Respondent(s) to file their response to the Original Application. The relevant paragraph of the order is as stated below:



**SWORN & VERIFIED  
BEFORE ME**

17.3.25  
**Ganesh Prasad**  
Advocate & Notary  
C-13, Indira Nagar, Lko.  
Reg. No. 3679/2001

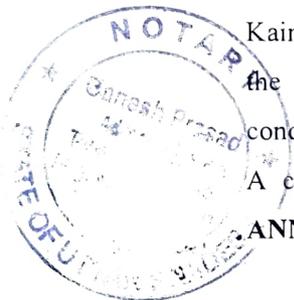
"...4. In view of the averments made in the application and observations made in the report of the Joint Committee, we consider it appropriate to have response of (1) State of Uttar Pradesh through Secretary, Environment, Forest and Climate Change, Government of Uttar Pradesh, (2) Directorate, Geology and Mining, State of Uttar Pradesh, (3) Uttar Pradesh Pollution Control Board, (4) the District Magistrate, Sonbhadra, (5) M/s. New India Minerals, Arazi No. 824 Kha (Khand No. 3), Village Agori Khas, Tehsil-Obra, District-Sonbhadra and (6) Mr. Chandra Shekhar Chaurasiya Mining Lease Argi No. 824 Kha (Khand No. 1), Villag- Agori Khas, Tehsil-Obra, District-Sonbhadra who stand impleaded as respondents No. 1 to 6. The Registry is directed to prepare and attach memo of parties to the application and issue notices to respondents no. 1 to 6 requiring them to file their reply/response at least three days before the next date of hearing fixed..."

4. That with regards to the complaint made regarding the illegal mining, DFO, Kaimoor Wildlife Division, Mirzapur, vide Letter dated 31.01.2025 directed the Wildlife Warden, Kaimoor Wildlife Sanctuary, Churk-Sonbhadra, to conduct a thorough inquiry into the facts mentioned in the complaint.

A copy of letter dated 31.01.2025 is annexed herewith and marked as

**ANNEXURE-1.**

5. That in pursuance of the above, the Wildlife Warden, Kaimoor Wildlife Sanctuary, Churk-Sonbhadra, constituted a committee under his chairmanship to investigate the complaints raised. The committee carried out the inspection of the sanctuary dated 01.02.2025. The factual report was



SWORN & VERIFIED  
BEFORE ME  
17.3.25  
Ganesh Prasad  
Advocate & Notary  
C-15, Indira Nagar, Lko.  
Reg. No. 38/79/2001

subsequently submitted by the Wildlife Warden vide letter dated 03.02.2025 to the Divisional Forest Officer, Kaimoor Wildlife Division, Mirzapur.

A copy of letter dated 03.02.2025 and inspection report dated 01.02.2025 is annexed herewith and marked as **ANNEXURE-2**.

6. That the observations made by the committee are as follows:
- i. Shri Chandra Shekhar Chaurasiya has been granted a lease for sand mining in Arazi No.-824 Kha, Village Agori Khas. The concerned mining area (Khand-1), as mentioned by the complainant, falls under the jurisdiction of Obra Forest Division, Obra.
  - ii. To the east of the concerned mining area (Khand-1) lies a river forest area of Village Kargara, which falls under the control of the Kaimoor Wildlife Division, Mirzapur, designated as Arazi No.-1 Mi. The width of the Kargara River Forest Area is approximately 342 meters. The distance between the external boundary of the Kargara River within the Forest Area and the concerned mining area (Khand-1) exceeds 100 meters.
  - iii. During the inspection, no mining activity was observed within the river forest boundary or in the area extending 100 meters beyond it.
  - iv. Similarly, M/s. New India Minerals has been granted a lease for sand mining over an area of 16.194 hectares under Khand-3 of Arazi No.-824 Kha. To the east of this Khand-3, there lies the Kargara River Forest, under the jurisdiction of the Kaimoor Wildlife Division,



SMOOTHLY VERIFIED

BEFORE ME

12.3.25

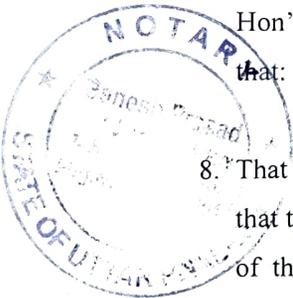
**Ganesh Prasad**

Advocate & Notary  
C-10, Sector-1, Mirzapur, U.P.  
K.U. No. 3073/2024

Mirzapur, with a width of approximately 422 meters. Currently, mining operations in this Khand are halted, and no illegal mining activity has been found.

- v. In compliance with the order dated 30.09.2024, passed in the same Original Application (O.A.) before the Hon'ble National Green Tribunal, New Delhi, a joint inspection and demarcation of the concerned mining areas (Khand-1 and Khand-3) was conducted by the Forest Department, Revenue Department, and Mining Department. The joint report was submitted vide this office letter dated 06.12.2024. During the joint inspection and demarcation, no mining activity was found within the Kargara River Forest boundary or in the area extending 100 meters beyond it.
7. That the Hon'ble Tribunal vide Order dated 07.11.2024 constituted a joint committee comprising of District Magistrate, Mirzapur; Central Pollution Control Board; Uttar Pradesh State Pollution Control Board; and, Principal Chief Conservator of Forest, Uttar Pradesh at Lucknow. The Joint committee submitted its report in compliance of the directions passed by the Hon'ble Tribunal wherein it has been clearly stated by the joint committee that: "During the visit, no mining in the forest land was observed."

8. That however, during the inspection by the joint committee, it was observed that the Project Proponent is not fully compliant in respect of few conditions of the EC and the CTO issued to them by SEIAA and UPPCB. In this regard, the DFO, Kaimoor Wildlife Division, Mirzapur issued a letter dated 05.03.2025 to the Mining Officer, Sonbhadra, and the Regional Officer,



SWORN & VERIFIED

BEFORE ME

12.3.25  
**Ganesh Prasad**  
 Advocate & Notary  
 C-15, Indira Nagar, Lucknow  
 Dist. No. 221001

UPPCB, requesting them to ensure compliance with all the conditions in the EC and CTO by the Project Proponent, which the joint committee observed as not fully compliant with during their inspection. Additionally, they were requested to address the issues and provide an update to the DFO office on the actions taken to ensure the Project Proponent's compliance.

A copy of letter dated 05.03.2025 is annexed herewith and marked as **ANNEXURE-3**.

9. That during the inspection conducted by both the Joint Committee and the committee constituted by the Wildlife Warden, Kaimoor Wildlife Sanctuary, no instances of illegal mining were found either within the forest land or in the river flowing through the forest land. Additionally, the committee observed that no illegal mining activities were being carried out within a 100-meter radius of the forest land boundary. Furthermore, the Principal Chief Conservator of Forest, Uttar Pradesh, upon verifying all relevant facts and circumstances, has accorded assent to the inspection reports prepared by the respective committees.

10. Hence, the present affidavit is being filed for the kind consideration and perusal of this Hon'ble Tribunal.

11. I state that everything stated above has been stated by me in my official capacity on and derived from the official records and I state that nothing material has been concealed therefrom.

SWORN & VERIFIED  
BEFORE ME



17.3.25

Ganesh Prasad  
Advocate  
C-15, Indira Nagar, Ghaziabad  
Reg. No. 1009/2007

  
**DEPONENT**

VERIFICATION

Verified at Lucknow on this 17 day of March, 2025, that the contents of the above affidavit from paragraphs 1 to 11 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

  
DEPONENT



SWORN & VERIFIED  
BEFORE ME

  
17.3.25

**Ganesh Prasad**  
Advocate & Notary  
C 15, Indira Nagar, Lko.  
Reg. No. 30/79/2001

## कार्यालय प्रभागीय वनाधिकारी, कैमूर वन्य जीव प्रभाग, मीरजापुर।

पत्र संख्या-2485 /10-1 दिनांक, मीरजापुर, जनवरी 3, 2025

सेवा में,

वन्य जीव प्रतिपालक,  
कैमूर वन्य जीव विहार चुर्क-सोनभद्र।

विषय: मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित ओ0ए0 सं0-1040/2024 सुरेन्द्र व अन्य बनाम उ0प्र0 राज्य व अन्य के सम्बन्ध में।

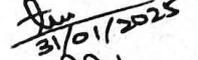
सन्दर्भ: मुख्य वन संरक्षक, कोर्ट केस, उ0प्र0 लखनऊ का पत्रांक-को0के0 2293/8ई-2(एन.जी.टी.) दिनांक-27.01.2025

उपरोक्त विषयक संदर्भित पत्र का अवलोकन करें, जिसके द्वारा मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित ओ0ए0 सं0-1040/2024 सुरेन्द्र व अन्य बनाम उ0प्र0 राज्य व अन्य में पारित आदेश दिनांक-13.01.2025 के साथ संलग्न प्रत्यावेदन दिनांक-9.01.2024 तथा मा0 न्यायालय के पारित आदेश के बिन्दु सं0-2 के अनुसार समूचित अग्रेतर कार्यवाही करते हुए कृत कार्यवाही/ अद्यतन स्थिति से शासन व मुख्य वन संरक्षक कोर्ट केस उ0प्र0 लखनऊ को उपलब्ध कराये जाने हेतु निर्देशित किया गया है।

उक्त के क्रम में आपको निर्देशित किया जाता है कि आप उक्त मा0 न्यायालय के आदेश दिनांक-13.01.2025 व प्रत्यावेदन दिनांक-9.01.2024 पर अपनी तथ्यात्मक आख्या इस कार्यालय को दिनांक-5.02.2025 तक उपलब्ध कराना सुनिश्चित करें।

संलग्नक-उपरोक्तानुसार।

भवदीय



(तापस मिहिर)

प्रभागीय वनाधिकारी

कैमूर वन्य जीव प्रभाग, मीरजापुर।

## ANNEXURE-2

कार्यालय वन्य जीव प्रतिपालक, कैमूर वन्य जीव विहार, चुर्क-सोनभद्र  
पत्रांक 744/10-1(NGT), दिनांक, चुर्क, फरवरी 03, 2025

सेवा में,

✓ प्रभागीय वनाधिकारी  
कैमूर वन्य जीव प्रभाग  
मिर्जापुर

विषय- मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित ओ0ए0 सं0-1040/2024 सुरेन्द्र व अन्य  
बनाम उ0प्र0 राज्य व अन्य के सम्बन्ध में।

सन्दर्भ- आपका पत्रांक-2485/10-1, दिनांक, मिर्जापुर, जनवरी 31, 2025

महोदय,

उपर्युक्त विषयक सन्दर्भित पत्र के क्रम में प्रश्नगत खनन स्थल की जांच इस कार्यालय के  
पत्रांक-728/(NGT), दिनांक, चुर्क, जनवरी 31, 2025 द्वारा गठित समिति से कराई गई। गठित जांच  
समिति की तथ्यात्मक आख्या आपकी सेवा में सादर प्रेषित है।

संलग्नक-उपरोक्तानुसार।

पञ्चरी वन्योदय  
आठ नवम्बर  
04/02/2025

भवदीय  
(अरविन्द कुमार)  
वन्य जीव प्रतिपालक  
कैमूर वन्य जीव विहार,  
चुर्क-सोनभद्र

मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित ओ0ए0 सं0-1040/2024 सुरेन्द्र व अन्य बनाम उ0प्र0 राज्य व अन्य के सम्बन्ध में तथ्यात्मक आख्या-

शिकायतकर्तागण श्री सुरेन्द्र, बालमती, रामसुभाग, हीरालाल, बच्चा यादव द्वारा प्रेषित शिकायती पत्र दिनांक-09.01.2024 में की गई शिकायत की जांच हेतु इस कार्यालय के पत्रांक-728/10-1(NGT), दिनांक, चुर्क, जनवरी 31, 2025 द्वारा गठित समिति के अध्यक्ष एवं सदस्यगण द्वारा प्रश्नगत खनन क्षेत्र (खण्ड-1 तथा खण्ड-3) का दौरा/निरीक्षण दिनांक-01.02.2025 को किया गया। निरीक्षण आख्या निम्नानुसार है-

- 1- श्री चन्द्रशेखर चौरसिया को ग्राम अगोरी खास के आराजी सं0-824ख में बालू खनन हेतु पट्टा स्वीकृत किया गया है। प्रश्नगत खनन क्षेत्र (खण्ड-1) ओबरा वन प्रभाग, ओबरा अन्तर्गत आता है।
- 2- प्रश्नगत खनन क्षेत्र (खण्ड-1) के सामने पूरब दिशा में कैमूर वन्य जीव प्रभाग, मिर्जापुर के नियंत्रणाधीन ग्राम करगरा का नदी वन क्षेत्र आराजी सं0-1मि0 है। प्रश्नगत खनन क्षेत्र (खण्ड-1) के सामने करगरा नदी वन क्षेत्र के भाग की चौड़ाई लगभग 342 मी0 है। करगरा नदी वन क्षेत्र की वाह्य सीमा से प्रश्नगत खनन क्षेत्र (खण्ड-1) की दूरी 100 मी0 से अधिक है।
- 3- निरीक्षण के समय नदी वन सीमा के अन्दर तथा नदी वन सीमा से 100 मी0 बाहर तक के क्षेत्र में खनन नहीं पाया गया।
- 4- इसी प्रकार न्यू इण्डिया मिनरल्स को आराजी सं0-824ख में ही खण्ड-3 के अन्तर्गत 16.194 हे0 क्षेत्रफल बालू खनन हेतु पट्टा स्वीकृत किया गया है। इस खण्ड के सामने पूरब दिशा में कैमूर वन्य जीव प्रभाग, मिर्जापुर के नियंत्रणाधीन करगरा नदी वन क्षेत्र की चौड़ाई लगभग 422 मी0 है। वर्तमान में इस खण्ड में खनन कार्य बन्द है एवं किसी तरह का अवैध खनन नहीं पाया गया।
- 5- मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित इसी ओ0ए0 संख्या में पारित आदेश दिनांक-30.09.2024 के क्रम में वन विभाग, राजस्व विभाग एवं खनन विभाग द्वारा प्रश्नगत खनन क्षेत्र (खण्ड-1 तथा 3) का निरीक्षण/संयुक्त सीमांकन किया गया था तथा संयुक्त रिपोर्ट इस कार्यालय के पत्रांक-529/10-1, दिनांक, चुर्क, दिसम्बर 06, 2024 अन्तर्गत आपको प्रेषित किया गया था। इस संयुक्त निरीक्षण/सीमांकन में भी करगरा नदी वन सीमा के अन्दर तथा नदी वन सीमा से 100 मी0 बाहर तक के क्षेत्र में खनन नहीं पाया गया था। सुलभ सन्दर्भ हेतु रिपोर्ट की छाया प्रति संलग्न है।

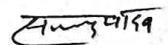
संलग्नक-यथोक्त।



(श्री सुरज पाण्डेय)  
वन दरोगा, हलिया रेंज  
/समिति के सदस्य



(श्री आशीष चौबे)  
वन दरोगा का0व0जी0प्र0 चुर्क  
/समिति के सदस्य



(श्री सदानन्द यादव)  
वन दरोगा, रावर्टसगंज रेंज  
/समिति के सदस्य



(श्री अवध नारायण मिश्र)  
क्षेत्रीय वन अधिकारी,  
हलिया रेंज/समिति के सदस्य



(अरविन्द कुमार)  
वन्य जीव प्रतिपालक  
कैमूर वन्य जीव विहार, चुर्क-सोनभद्र  
/समिति के अध्यक्ष

कार्यालय प्रभागीय वनाधिकारी, कैमूर वन्य जीव प्रभाग, मीरजापुर।

पत्र संख्या-2987/10-1 दिनांक, मीरजापुर, मार्च 05, 2025

सेवा में,

ज्येष्ठ खान अधिकारी  
सोनभद्र।

विषय:- मा0 राष्ट्रीय हरित अधिकरण, प्रधानपीठ, नई दिल्ली में योजित ओ0ए0 संख्या-1040/2024 श्री सुरेन्द्र व अन्य बनाम स्टेट ऑफ यू0पी0 व अन्य के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक प्रकरण के सम्बन्ध में अवगत कराना है कि मा0 एन0जी0टी0 के आदेश दिनांक-7.11.2024 में श्री सुरेन्द्र व अन्य द्वारा किये गये शिकायती पत्र में उल्लिखित तथ्यों की जाँच हेतु निम्नानुसार आदेश पारित करते हुए संयुक्त समिति का गठन किया गया, जिसका विवरण निम्नवत है:-

3. In our view facts disclosed in the letter petition do give rise to substantial question relating to environment arising out of implementation of enactments mentioned in Schedule I of NGT Act, 2010 but before proceeding further we find it appropriate to have the facts verified. Accordingly, we constitute a Joint Committee comprising District Magistrate, Mirzapur; Central Pollution Control Board; Uttar Pradesh State Pollution Control Board; and, Principal Chief Conservator of Forest, Uttar Pradesh at Lucknow.

4. Central Pollution Control Board shall be Nodal Authority for co-ordination and compliance of this order.

5. Above Committee shall visit the site, collect relevant information and submit a factual report within one month.

उपरोक्त गठित संयुक्त टीम द्वारा तथ्यात्मक आख्या प्रेषित की गयी है (संयुक्त टीम की आख्या संलग्न), जिसमें निम्न प्रकार उल्लंघन पाये गये हैं :-

**"2.1. Inspection of M/s New India Minerals, Arazi No. 824 Kha (Khand No. 3), Village- AgoriKhas, Tehsil- Obra, District- Sonbhadra.**

13. During the visit, following violation with respect to EC & CTO conditions, Mining Plan, Mining guideline etc were observed:
  - a) No PTZ camera was found installed at the mining site. It is informed by the representative of the Project Proponent that the PTZ camera is removed as unit is non-operational.
  - b) During the visit, only 04 temporary pillars out of 08 were found in the lease area at designated locations. It was informed by the representative of the project proponent that all pillars will be installed when the unit would be in operation. Necessary action may be taken by the Mining Department to ensure the installation of a pillar within the lease area.
  - c) The PP has not carried out adequate plantation in compliance with CTO & EC conditions.
  - d) The PP has not carried out the hydro-geological study.
  - e) The PP has not conducted third-party monitoring of various parameters including ambient air quality etc.
  - f) The PP has yet not constructed two toilets and one hand pump in the mine office.

- g) During the visit, it was observed that no dust control measures such as water sprinkling, plantation on both sides of the road used for the transportation of Morrum, etc have been carried out.
- 2.2. **Inspection of mining lease Arazi No. 824 Kha (Khand No. 1), Village-Agori Khas, Tehsil Obra, District- Sonbhadra owned by Shri Chandra Shekhar Chaurasiya.**
15. During the visit, following violation with respect to EC & CIO conditions, Mining Plan, Mining guideline etc were observed:
- The PP has not carried out adequate plantation in compliance with CTO & EC conditions.
  - The PP has not carried out the hydro-geological study.
  - The PP has not conducted third-party monitoring of various parameters including ambient air quality etc.
  - The PP has yet not constructed two toilets and one hand pump in the mine office.
  - During the visit, it was observed that no dust control measures such as water sprinkling, plantation on both sides of the road used for the transportation of Morrum, etc have been carried out."

अतः आपसे अनुरोध है कि उपरोक्त प्रकरण में संयुक्त टीम द्वारा पाये गये उल्लंघनों का निराकरण कराते हुए की गयी कृत कार्यवाही की अद्यतन स्थिति से इस कार्यालय को अवगत कराने का कष्ट करें।

संलग्नक—उपरोक्तानुसार।

भवदीय

  
(तापस मिहिर)

प्रभागीय वनाधिकारी  
कैमूर वन्य जीव प्रभाग, मीरजापुर।

संख्या— 2987 / 10-1 समदिनांक—

प्रतिलिपि निम्नलिखित को सादर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1—सचिव, पर्यावरण वन एवं जलवायु परिवर्तन विभाग, उ०प्र० शासन, लखनऊ।
- 2—प्रधान मुख्य वन संरक्षक और विभागाध्यक्ष, उ०प्र०, लखनऊ।
- 3—प्रधान मुख्य वन संरक्षक, वन्य जीव, उ०प्र०, लखनऊ।
- 4—जिलाधिकारी, सोनभद्र।
- 5—क्षेत्रीय अधिकारी उ०प्र० प्रदूषण नियंत्रण बोर्ड सोनभद्र।

  
(तापस मिहिर)

प्रभागीय वनाधिकारी  
कैमूर वन्य जीव प्रभाग, मीरजापुर।