

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**  
**Original Application No. 1108 of 2024**

**In the matter of:**

Ram Kumar Shukl

...Applicant

Versus

State of Uttar Pradesh

...Respondents

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Place -Delhi

Filed by

Date-24.04.2025



**AJAY SINGH,**  
**Advocate for Respondent No.6**

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL****PRINCIPAL BENCH, NEW DELHI****Original Application No. 1108 of 2024****In the matter of:**

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**REPLY ON BEHALF OF THE RESPONDENT No. 6/ M/S. TARA ENTERPRISES BY ITS PROPRIETOR CHANDERJEET KUSHWAHA**

1. That this Hon'ble Court has registered the Present matter on the basis of Letter Petition received by this Hon'ble Tribunal on 27.01.2024 send by Applicant. The instant OA alleges illegal mining in village Nodhia, Tehsil Bara, District Prayagraj and also alleges violation of environmental laws by using heavy machines like, JCB etc. for undertaking mining on the river bank and also from the stream of river and also carrying out mining up to depth of 7 to 8 meters.
2. That, in compliance of the Order dated 14.11.2024 passed by this Hon'ble Court Join Committee was formed with CPCB as Nodal Agency and the Report of the Joint Committee has been filed on 14.12.2024 with some observations and recommendations therein given by the Committee.

3. That this Hon'ble Court vide order dated 21.01.2025 impleaded other Respondents including answering Respondent, Tara Enterprises/Respondent No.6 in the matter and directed the respondents to file reply but due to some personal Reason it was not filed on or before 25.03.2025 and Further this Hon'ble Court has given further one month time for filing Reply and also directed to file copy of CCTV footage of the cameras installed in the mining lease area for the last 15 days by way of pen drive along with its reply/response.
  
4. That PP said that During inspection, whatever illegal mining, machine marks etc. were found on the banks of river Yamuna in villages Nauriha and Imilian which is about One Kilometer away from the Approved Mining Area of (PP), Answering Respondent has nothing to do with this illegal mining because it was difficult to carry out any operation (mining etc.) due to water logging in the river bed on the access road to the mining area, it was impossible to reach the mining site without a boat, mining work was not started by PP till the movement of vehicles in the mining area could be smooth, due to which the mine was closed. The answering Respondent has said nothing to do with regarding illegal mining because the PP had not visited the mining area or the nearby area and FIR was also logoeed against the Unknown Person. This Hon'ble Court is also informed that probably people of villages Audhan, Durgapur

etc. located in district Kaushambi, Tehsil Chayal, which are located to the north of the river bed, People of these villages often go to visit Masurian Mata Temple in village Nauriha and Imilian using tractors etc. to reach the boat in the main stream of the river for darshan. True Photo Copy of the photograph of the above mentioned village to the north of the river bed and Google map of Masurian Mata/Imilian Dham Temple is being annexed here with **Annexure A-1.**

5. That, it was difficult to reach the mining area due to waterlogging in the river bed on the access road to the mining area and it was not possible for trucks etc. to reach the mining area even in the month of October after the monsoon season months of July, August, September, hence no work related to mining operation could be done, due to which mining was not started in the area by PP. The boundary pillars installed earlier in the approved area get destroyed due to flood in the river during the monsoon season (months of July, August, September 2024). It is relevant to mention here that before starting the mining operation again, boundary pillars are installed according to the fixed geocoordinates. Mining operation had not started till the date of inspection, hence the boundary pillars were not installed at that time. Now before starting the mining operation, the boundary pillars were Installed/ located by

PP and mining operation has been started from only since 07.01.2025.

6. That, digital processing of interior area of mining area was done as per the report given by the Joint Committee during inspection. More over Hydro Geological Study had been conducted by Geogreen Enviro House Pvt. Ltd. of the leased area of the PP, which was also made available by PP at the time of inspection but it was not made part of its Report by the Joint Committee. We are enclosing here Hydro Geological Study by the Geogreen Enviro House Pvt. Ltd for kind perusal of this Hon'ble Court. True Photocopy of the Hydro Geological Study of leased area is annexed here as **Annexure A-2**
7. That it was very difficult for PP to reach the mining area due to waterlogging (as earlier mentioned) in the river bed no work related to mining operation could be done, due to which mining was not started in the Leased area by PP till Jan 2025. Due to which or in the event of mining operation not being possible, at the time of inspection after the monsoon season, there was no sand extraction route and weighing machine and PTZ camera, the above has been fulfilled by PP before starting the mining operation from 07.01.2025.
8. That, In relation to the above aspect, this Hon'ble Court also now to be informed that after the monsoon season, in the month of October 2024, due to the change in the nature

of the river in the river bed, there was excessive water logging on the drainage route from the river bed and the liability of the Answering Respondent was continuing from the month of October 2024, due to which the liability should not increase further, as a result, the PP has requested the District Magistrate Prayagraj through a letter dated 26.10.2024 to waive the liability till the access road to the mining area is not built. True Copy of Letter dated 26.10.2024 written by the Answering Respondent to the District Magistrate Prayagraj is annexed here as **Annexure A-3**

9. That In such a situation, an application was given to DM Office, Prayagraj by PP for termination of the lease, after which the above lease surrender application of the applicant was rejected by the Senior Mining Officer, Prayagraj on 21.11.2024, due to which, out of compulsion, in order to compensate for the increasing revenue on PP, mining operations have been started unwillingly from the month of January, dated 07.01.2025, by following all the pre-mining rules on the spot. True Copy with Translated Copy of the Letter dated 22.11.2024 by the Senior Mining Officer, Prayagraj is annexed herewith as **Annexure A-4**.

10. As per last Order dated 25.03.2025 Answering Respondent is also Providing the Recording of CCTV Footage of Cameras Installed in the Mining Lease Area and also depositing DD No.330698 of Rs. 10000/ in NGT Bar

association as Cost Imposed by this Hon'ble Court on Answering Respondent.

11. It is very relevant to mention here that PP was not aware that mining cannot be done without obtaining CTO and neither was any restriction given to PP by the Mining Department in this regard, hence, in the absence of information, after the lease deed was executed on 14.11.2023, PP started mining operation seven days later on 21.11.2023. In this, no illegal action was taken by PP to intentionally damage the environment. PP received the CTO of the above mining area on 12.12.2023. This was the only occasion when PP has violated any Norms

In reference to the above, it is respectfully submitted that a notice bearing number N-24604/C-2/Air-728/25 was issued by the Uttar Pradesh Pollution Control Board (UPPCB) on 24.02.2025, imposing an environmental compensation for a period of 28 days, i.e., from 14.11.2023 to 12.12.2023, upon the Project Proponent.

It is pertinent to submit that PP commenced mining operations only on 21.11.2023, which was seven (7) days after the execution of the lease deed dated 14.11.2023. Despite this, the said notice erroneously imposes a penalty for the entire 28-day period, thereby including seven (7) days during which no mining activity was undertaken by the PP.

Accordingly, the imposition of environmental compensation for the period prior to 21.11.2023 is factually incorrect and unjustified, and a formal objection has been submitted by the PP before the UPPCB seeking rectification of the same. Furthermore, it is brought to the kind attention of this Hon'ble Court that due to inadvertence and lack of requisite information, mining operations were carried out in the subject area without obtaining the requisite Consent to Operate (CTO). Upon realization, the PP has deposited a fine of ₹2,10,000/- calculated at the rate of ₹10,000/- per day for the said period of non-compliance, in good faith and without prejudice to its rights.

12. It is respectfully submitted that the Applicant, Ram Kumar Shukla, is not a social worker as claimed. Rather, it has come to light that he, along with his son, is engaged in illegal sand mining activities for personal profit. It is further submitted that the Applicant has been involved in lodging frivolous complaints against various individuals for the purpose of harassment and blackmail.

It has also come to the knowledge of the answering respondent that multiple First Information Reports (FIRs) have been registered against the Applicant in connection with the sand mining business and related tenders.

In particular, FIR No. 339/2022, dated 09.09.2022, registered at Police Station Sarai Akil, District Kaushambi, U.P., accuses the Applicant of extorting a sum of ₹4,00,000

by inducing fear of death or grievous injury, punishable under Sections 386 and 342 of the Indian Penal Code (IPC). Additionally, FIR No. 47/2023, dated 19.02.2023, registered at Police Station Pipari, District Kaushambi, U.P., also pertains to the sand business. In this instance, the Applicant stands accused of criminal breach of trust and intentional insult with intent to provoke breach of the peace, punishable under Sections 406, 504, and 506 of the IPC

13. That the Answering Respondent respectfully submits that the present application is liable to be dismissed, as the Applicant is allegedly engaged in the business of sand mining and trade, either directly or through affiliated entities. This material fact has been wilfully suppressed by the Applicant from this Hon'ble Court. Notably, on the previous date of hearing, i.e., 25.03.2025, when specifically queried by this Hon'ble Court regarding his occupation, the Applicant misrepresented himself as a farmer and social worker. However, the Applicant is reportedly involved in multiple cases pertaining to illegal mining and unauthorized sand trading. These facts, once substantiated, cast serious doubt on the bona fides of the Applicant and indicate a mala fide intent behind the filing of the present Letter Petition.

14. The Hon'ble Tribunal is apprised that the Applicant, while claiming environmental concerns by this present Letter Petition, has been reported to be carrying out or facilitating similar activities in the same or adjacent regions which is Clear by above given averments. This contradiction suggests an abuse of the process of this Hon'ble Tribunal to settle personal or business rivalries rather than for any genuine environmental concern.
15. It is a settled principle that a person approaching a court or tribunal must do so with clean hands. The Applicant, by not disclosing his own alleged involvement in the similar activities that he challenges, is guilty of concealment and misrepresentation, thereby disentitling himself to file this Letter Petition.
16. That, the answering respondent craves leave of the Hon'ble Tribunal to file additional reply, if required or asked by this Hon'ble Court, in future.
17. That, in light of the above submissions, it is respectfully submitted that, this answering Respondent

No.6, shall abide by any order(s) or direction(s) passed by this Hon'ble Tribunal in this Original Application.

18. In view of the facts and circumstances stated above, it is respectfully prayed by the Answering Respondent that this Hon'ble Tribunal may be pleased to Disposed the present application as not maintainable and/or as an abuse of the process of law; or Pass any other order(s) as deemed fit and proper in the interest of justice.

Drawn and Filed By



AJAY SINGH, Advocate

# ANNEXURE A-1



**ANNEXURE A-2****HYDROLOGICAL STUDY REPORT OF  
LEASE AREA****“Ordinary Sand Mining Project”**

Located at Yamuna River Bed, Khand No. 06, Village – Maghiyari, Bhambhor,

Tehsil – Bara, District - Prayagraj, U.P.

Sanctioned Lease Area- 10.0 ha

Submitted by:

**M/s. Tara Enterprises**

Proprietor – Mr. Chandrajeet Kushwaha S/O Sh. Mithai Lal Kushwaha

Address – 51, R.K Puram, Havelia, Awas Vikas Jhunsi, District-Prayagraj, U.P

Prepared By:

Dr. Dhruba Ganguly

Ex. Director Geological Survey of India

Dr. Vijay Kumar Mishra

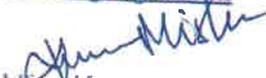
QCI NABET Accredited in Geology/ Hydrology/Land Use Expert

**GEOGREEN ENVIRO HOUSE PVT. LTD.**

*(An ISO 9001: 2015 Certified and QCI/ NABET Accredited Co.)*

Address- C-1/20, Viraj Khand, Gomti Nagar Lucknow-226010

Mob.: 9415215163, 9161202020. E-Mail: vkm.geo@gmail.com, Website: [www.geogreen.in](http://www.geogreen.in)

  
Dr. Vijay Kumar Mishra  
Director  
Geogreen Enviro House Pvt. Ltd.  
Lucknow

## 1.0 INTRODUCTION

Ground water is playing a vital role in the fulfilment of drinking, irrigational and industrial needs of the district. Although the ground water was in use since the ancient times, but with the population explosion, multi cropping practices in agriculture sector and rapid industrial development enhanced the need of water in the district . and unscientific development in various part of the state has led to stress on the availability of ground water resources with proper management. Due to paradigm shift from “ground water development” to “groundwater management” in the past two decades in the country, it is imperative to generate an accurate and comprehensive micro-level picture of groundwater through aquifer mapping in different hydrogeological settings. It would enable robust groundwater management plans in an appropriate scale. Aquifer mapping is a process wherein a combination of geologic, geophysical, hydrologic and chemical field and laboratory analyses are applied to characterize the quantity, quality and sustainability of ground water in aquifers. This would help achieving drinking water security, improved irrigation facility and sustainability in ground water resources development in Prayagraj District Central Ground Water Board (CGWB) implemented the aquifer Mapping Programme in Prayagraj District, Uttar Pradesh with broad objective of preparing an aquifer wise management plan for the district.

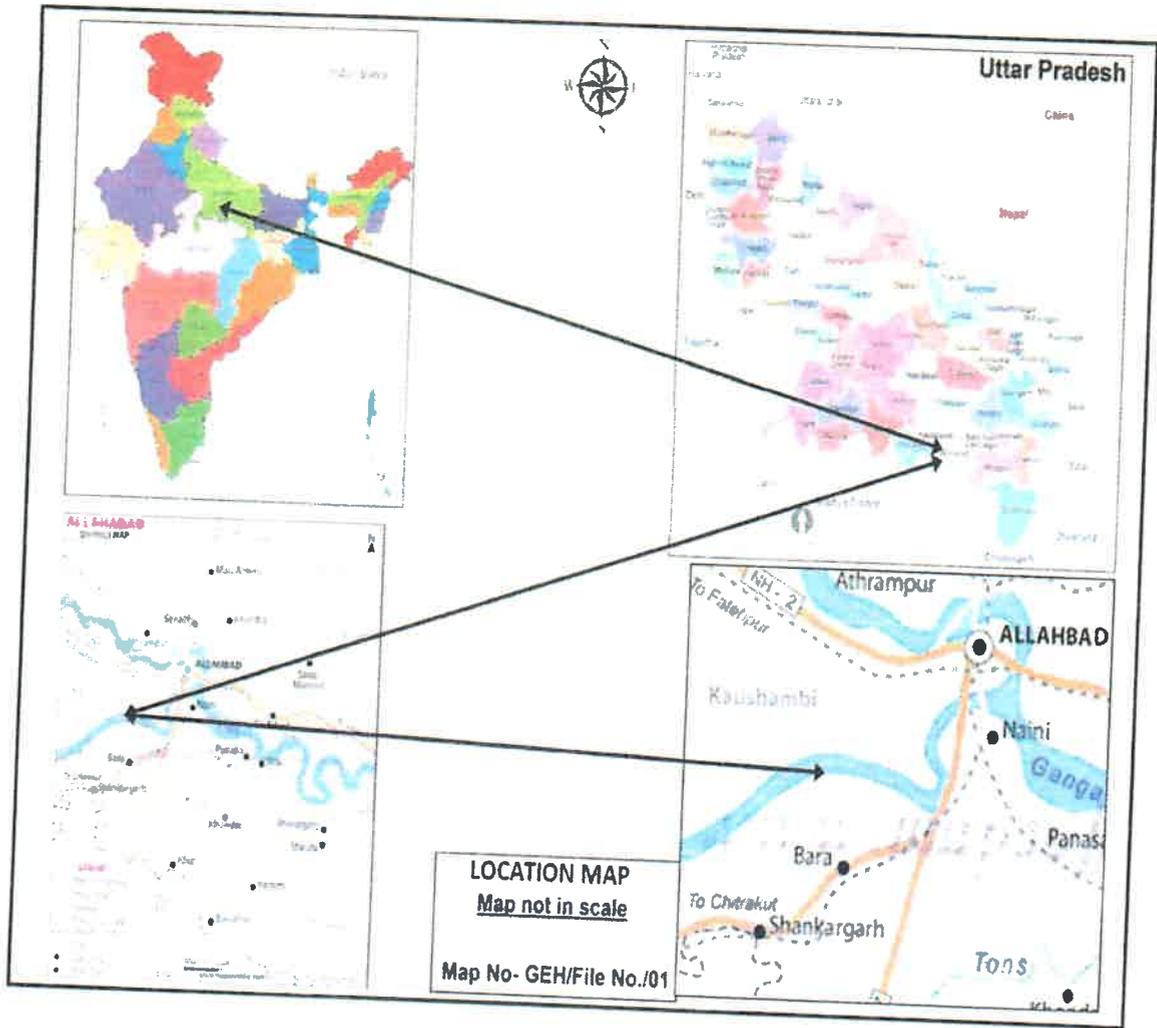
**1.1 Project Nature, Size & Location-** The proposed project is of collection/ extraction of sand/ morrum from “Ordinary Sand Mining Project”, having area: 10.0 ha., located at Yamuna River Bed, Khand No. 06, Village- Maghiyari, Bhambhor, Tehsil – Bara, District - Prayagraj, U.P. Open cast manual and semimechanized method of mining is involved in collection/ extraction of sand/morrum, where no drilling or blasting is proposed. The mineral is not meant for captive use. The collected/extracted sand/morrum will be used for different purposes.

### GeoCoordinates of the lease area

Boundary Point	Latitude (N)	Longitude (E)
A	25°20.529' N	81°37.268' E
B	25°20.615' N	81°37.188' E
C	25°20.625' N	81°37.486' E
D	25°20.710' N	81°37.411' E

Dr. Vijay Kumar  
Geogreen Enviro House Pvt. Ltd.  
Lucknow

**Location Map**



**Figure 1: Location Map**

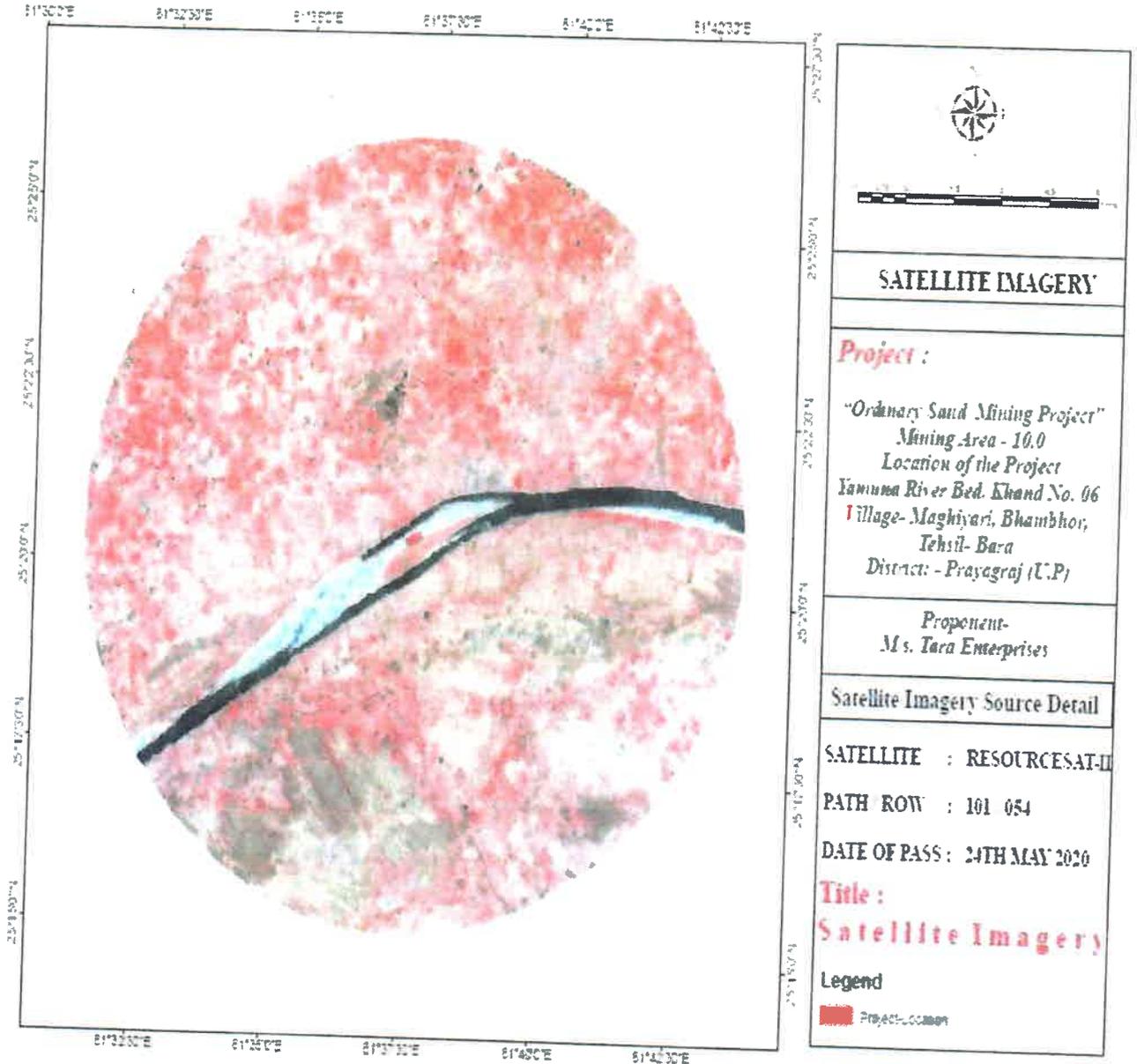
*Vijay Kumar Mishra*

Dr. Vijay Kumar Mishra  
Director  
Geogreen Enviro House Pvt. Ltd.  
Lucknow



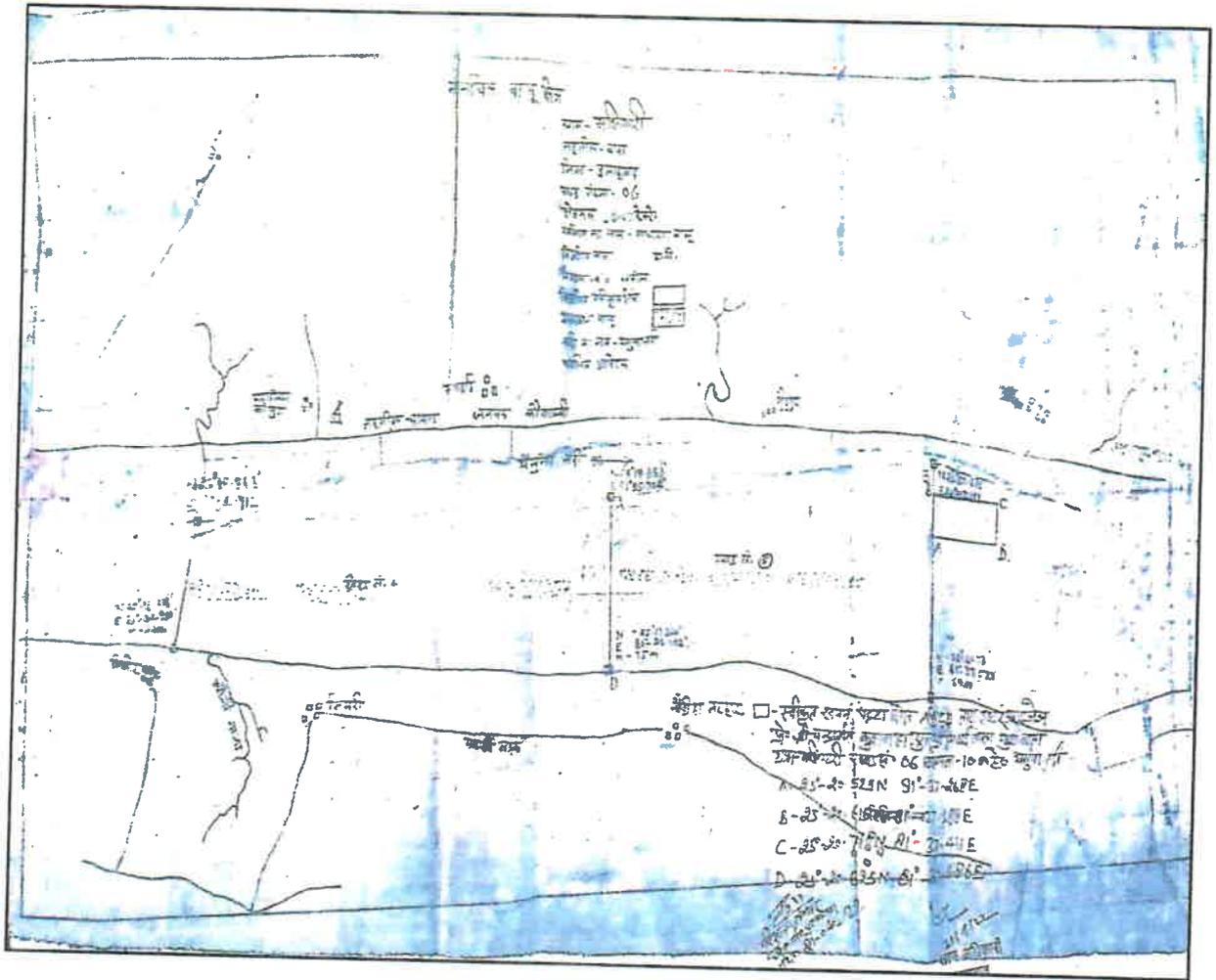
**Figure 2: Project Site**

*Vijay Kumar Mishra*  
Dr. Vijay Kumar Mishra  
Director  
Geogreen Enviro House Pvt. Ltd.  
Lucknow



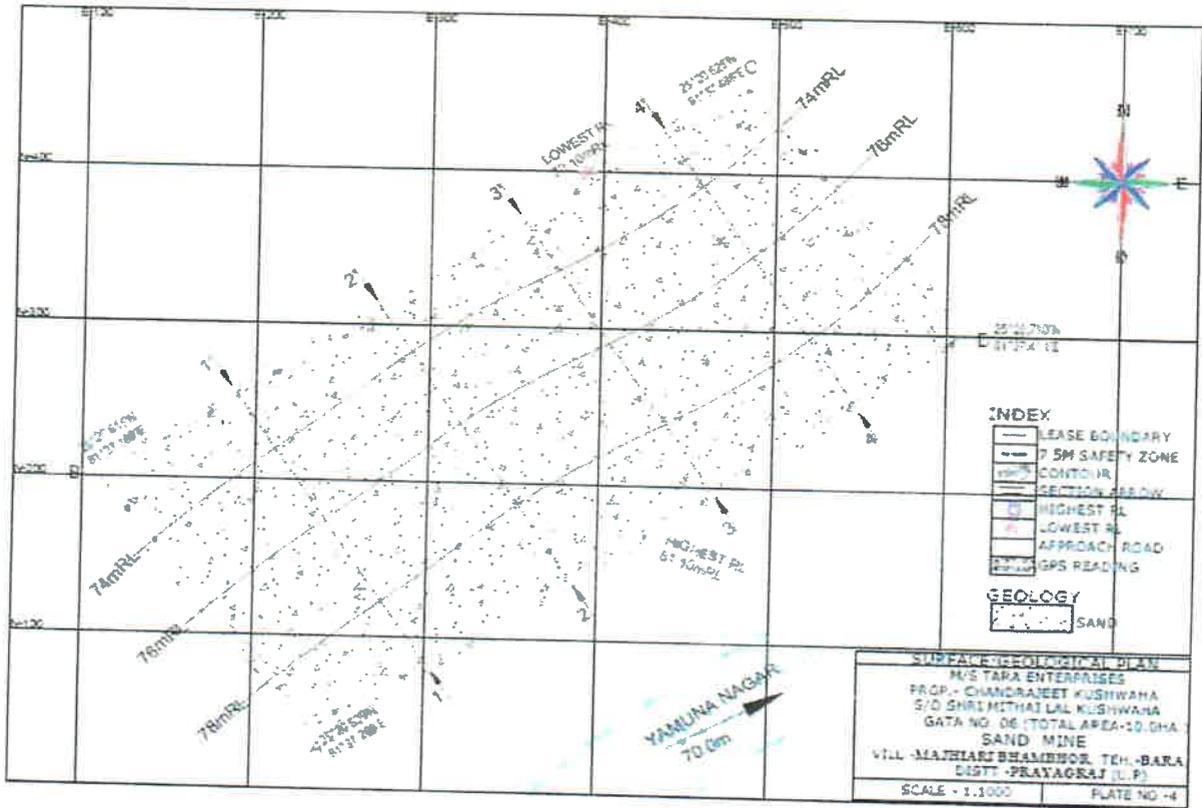
**Figure 2.1: Google Image of the Project Site**

  
 Dr. Vijay Kumar Mishra  
 Geogreen Enviro Monitor Pvt. Ltd.  
 Lucknow



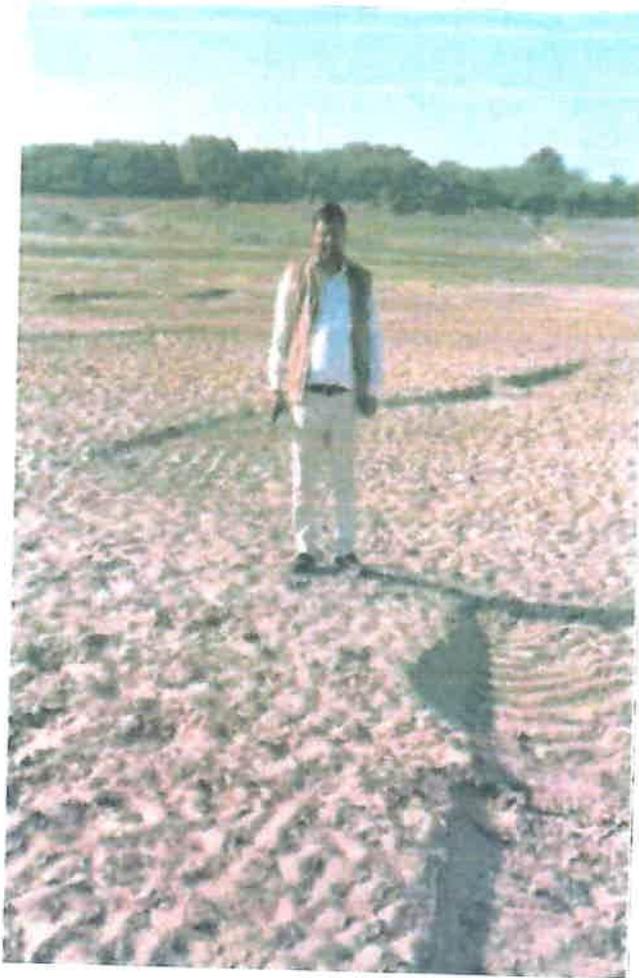
**Figure 3: Khasra Map**

*[Signature]*  
Director  
Gangreen Enviro House Pvt. Ltd  
Lucknow



**Figure 4: SURFACE/GEOLOGICAL PLAN**

*Dr. Vijay Kumar*  
 Dr. Vijay Kumar  
 Geotechnical Engineer  
 Geotechnical Engineers Pvt. Ltd.  
 Lucknow



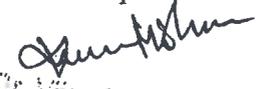
**Figure 5: Site Photographs**

## **2 OBJECTIVE**

The broad objective of the study is to establish the geometry of the underlying aquifer systems in horizontal and vertical domain and characterize them, so as to work out the development potential and prepare block wise management plan. It is envisaged to assess the aquifer wise availability, utilization and water quality, especially in problematic/vulnerable area.

## **3. SCOPE OF STUDY**

The scope of the present study is broadly outlined within the framework of National Aquifer Management programme (NAQUIM) being implemented by CGWB.

  
Dr. Vijay Kumar, Director  
Geogreen Enviro House Pvt. Ltd.  
Lucknow

#### 4. APPROACH AND METHODOLOGY

An approach and methodology adopted to achieve the major objective are Compilation of existing data collected from different sources and agencies and identification of data gaps. Based on existing data various thematic layers and maps have been prepared in GIS environment and aquifer maps incorporating the data and management plans are prepared.

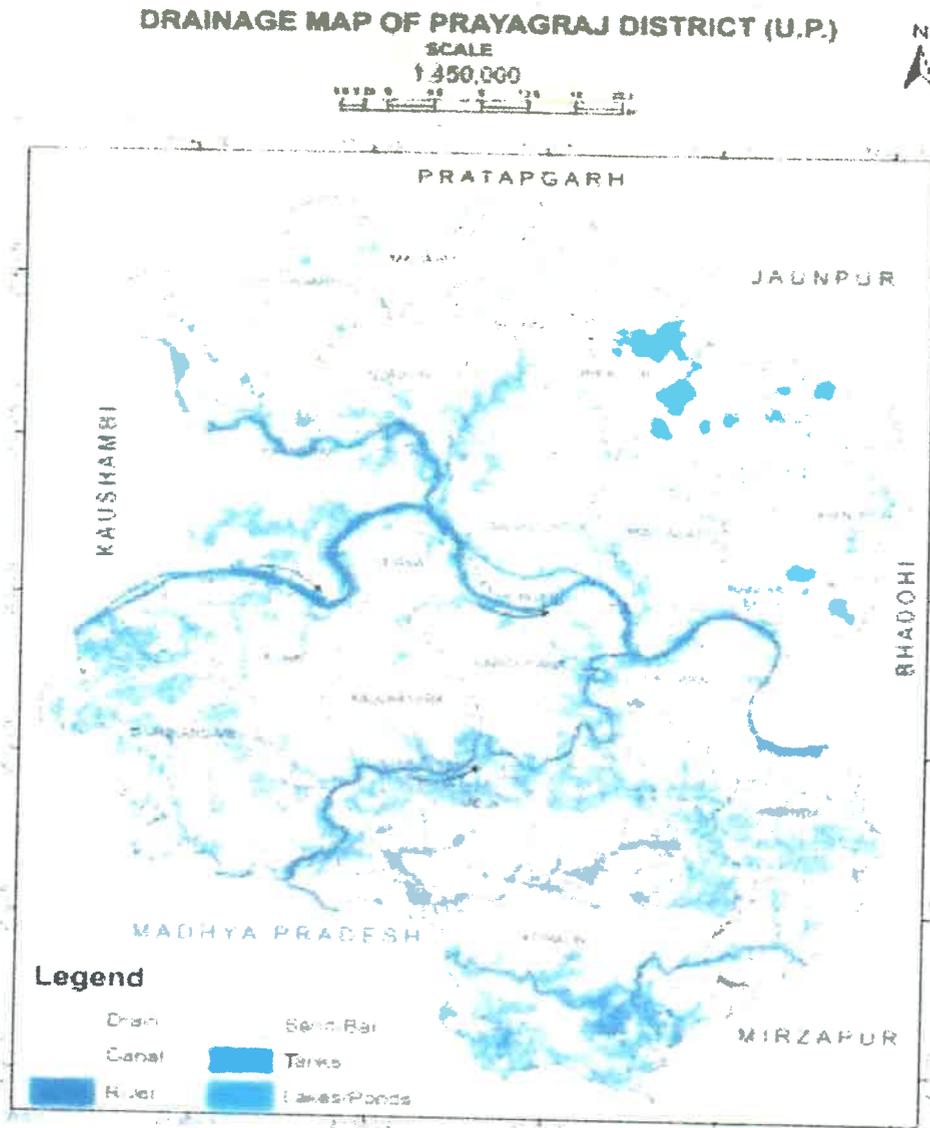
- a. Study Area (Administrative Details)
- b. Drainage / Basin:

The Northern half of the district occupies part of Ganga basin and Southern part of the district occupies the part of Yamuna and Tons Sub- basin. The rivers of the district belong to the main drainage system of the Ganga. The most important tributaries are Yamuna and Tons while those of minor systems include Sai and Yamuna.

Yamuna, the second major river, enters the district in the extreme west in the Sankargarh block and flows narrowly before joining to the Ganga at Sangam in the proximity of Prayagraj city. Yamuna has more constant channel and steeper banks.

Yamuna has a more rapid stream and flowing fast down a greater bed slope than the Ganga. Its water is comparatively cleaner than Ganga water most of the streams joining the Yamuna are mere drainage channels or ravines.

  
Dr. Vijay Kumar Mishra  
Director  
Geogreen Enviro House Pvt. Ltd.  
Lucknow



**Figure 6: Drainage Map of Prayagraj District, U.P**

**5. The area forms a part of Yamuna River Basin.**

The Yamuna experiences extreme dry and flood conditions throughout the year. During the non-monsoon period (October to June), the river flow is significantly reduced and some stretches of the river may even dry up. During the monsoon period (July to September), the river receives a large amount of water, which can lead to flooding.

- 6. Water quality :** The Yamuna's water quality is poor due to pollution from industrial units and agriculture. Some parameters that indicate the poor water quality include:

**BOD:** The BOD level of the Yamuna is much higher than the acceptable limit of 3 mg/L set by the CPCB.

**COD:** The COD level of the Yamuna is higher than the WHO guideline limit of 250 mg/L.

**Chloride:** The chloride level of the Yamuna is above the permissible limit, indicating excess salt in the water.

**Faecal coliform:** The Yamuna's faecal coliform levels often exceed the bathing water quality criteria.

### 7. Geological Description :

The major part is almost flat peneplained surface dotted with natural depressions in the form of tals and palaeochannels. The general gradient of the plain is towards south east. Regionally, the area comprises Quaternary sediments are broadly classified into Older and Newer Alluvium of Pleistocene and Holocene age.

However, the study area comprises Newer Alluvium is represented by Terrace Alluvium and Channel Alluvium. Terrace Alluvium is developed on either side of Yamuna. It comprises gray micaceous sand, silt and clay. Channel Alluvium is restricted within the present day river channels. It comprises gray sand, silt and clay.

The proposed sand quarry area consist of Channel Alluvium and is restricted within the present day river channels. It comprises gray sand, silt and clay.

Resources of the area include agriculture, rich ground water potentials, point bar, channel bar sand and clay.

### **Hydrological data :**

- a) Hydrogeology And Aquifer Group mainly comprises Quaternary alluvium deposited by Yamuna river system.
- b) Major Water bearing formation : Sand, silt and gravel.
- c) Average Pre-Monsoon Water level : 1.32 – 20.36 mbgl
- d) Average Post\_Monsoon Water Level : 0.59- 15.69 mbgl
- e) Long term water level trend in last 10 years :
  - i) Pre-monsoon  
Rise: 0.492 cm/yr.  
Fall: 0.3658 cm/yr.

  
Dr. V. K. Kumar  
Director  
Geological Survey of India  
Lucknow

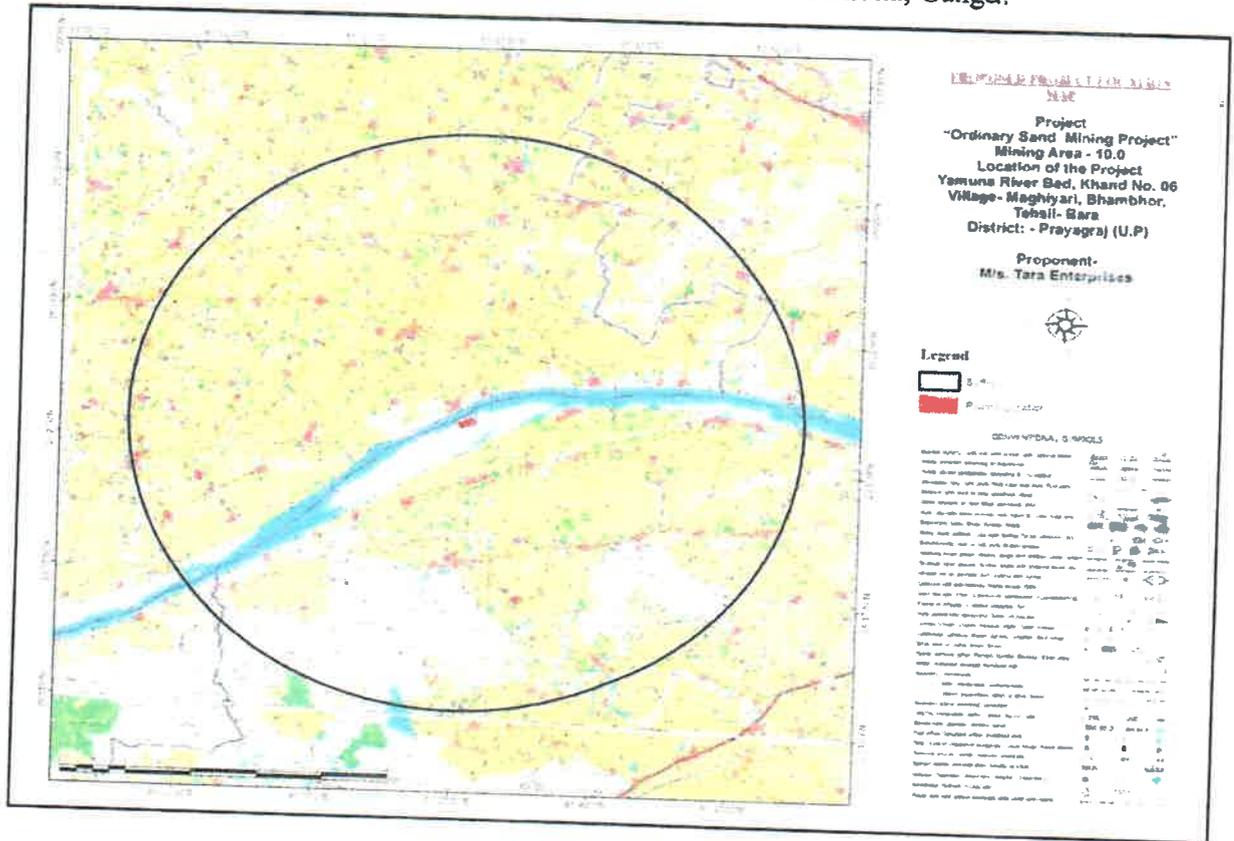
Post-monsoon

Rise: 0.5156 cm/yr.

Fall: 0.91 cm/yr.

**8. Physiography/Topography**

Topographically, as well geographically, the district consists of an elevated plateau called 'Patra'. The general slope of the district area is from south-west to north-east. The drainage pattern of Prayagraj district is mainly controlled by two rivers viz-Yamuna, Ganga.



**Fig.7 - Top sheet Map**

*Dr. Vijay Kumar Mishra*  
 Geograp. Envs. Resour. Plan. & Mgmt. Dept.  
 Lucknow

## 9. Geology

### Regional Geology:

Age/Period	Formation	Group	Lithology
Quaternary	Alluvial deposit	Newer alluvium older alluvium	Sand, silt, clay. Gravels, kankar etc.
Puranas	Vindhyan	1. Kaimur Group 2. Rewa Group 3. Senri Group Upper Glauconitic limestone	Kaimur Sandstone Shale, Sandstone Tirohan lime stone dolomite Sand stone, pallet
-----Unconformity-----			
Archean	Bundelkhand Genesis Complex		Bundelkhand granite gneiss.

### **LOCAL GEOLOGY:**

Geomorphic Units	Lithology
Recent flood plain of stream	Yellow colored clay, silt Sand of various grades.
Terrace Zone Sand and kankar beds	Yellow and grey colored silt
Older Alluvial Plains Sand and kankar beds.	Yellow grey colored silt

#### 9.1. Climate data (precipitation, temperature, etc.)

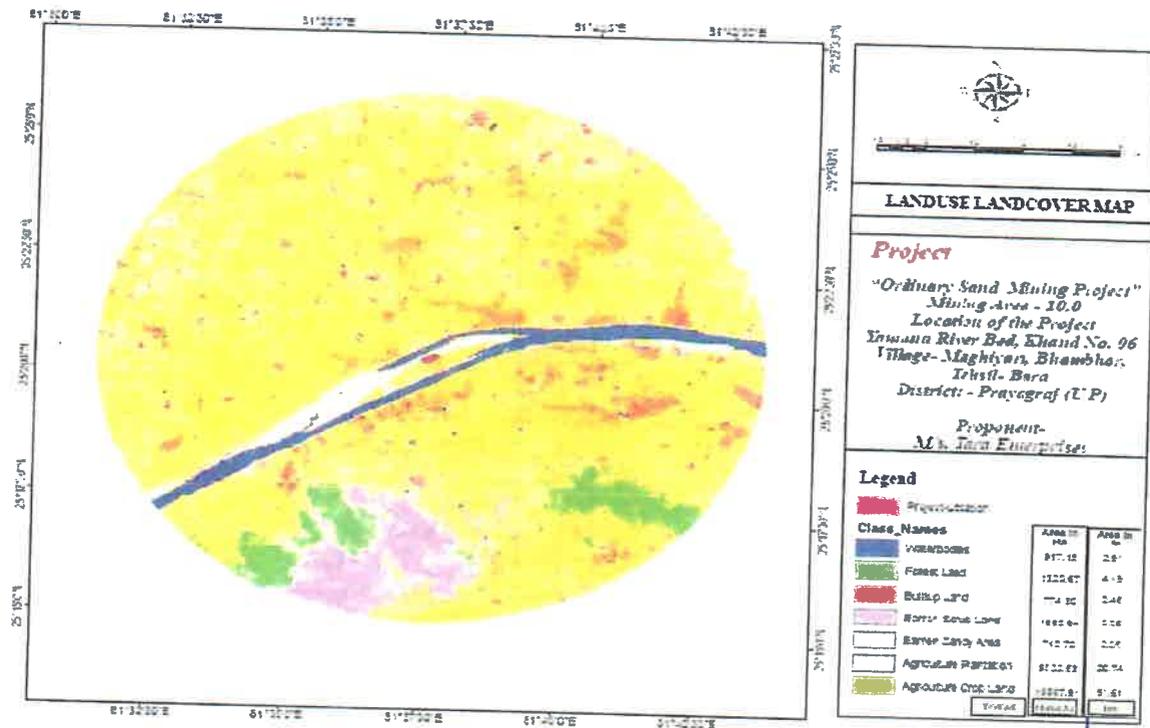
The average annual rainfall is 1207.00 mm. November to February is followed by summer season from March to June. About 90% of rainfall takes place after south-west monsoon season commences from middle of June to September. During monsoon surplus water is available for deep percolation to ground water. January is the coldest month with mean daily minimum temperature at 9.1°C and mean daily maximum temperature at 23.7°C. May is the hottest month with mean daily maximum temperature at 42.1°C and mean daily minimum temperature at 27.4°C with the advance of the south-west monsoon about middle of June the the Day

temperature drops appreciably, but night temperature is a little higher than May. The mean monthly maximum temperature is 32.8°C and mean monthly minimum temperature is 19.5°C. During the monsoon season the air is very humid and after onset of the monsoon season humidity decreases progressively. The mean monthly morning relative humidity is 64% and mean monthly evening relative humidity is 48%. Winds are generally high throughout the year with some increase in force in summer and monsoon season. The mean wind velocity is 5.1 kmph. The potential evapotranspiration is 1537.5 mm.

**10. LAND USE/LAND COVER :**

A major part of the land in the district is utilized for agriculture purpose. As per the latest statistical data available for the year 2017-18, following land utilization pattern has been observed in the district.

Land use : 63% of land in the area is used for agricultural activities, 17 % land other than agriculture, 6% current fallow and 4% other fallow, 4% is forest cover, 3% barren land, 2% cultivable waste land and rest are trees and grasses.



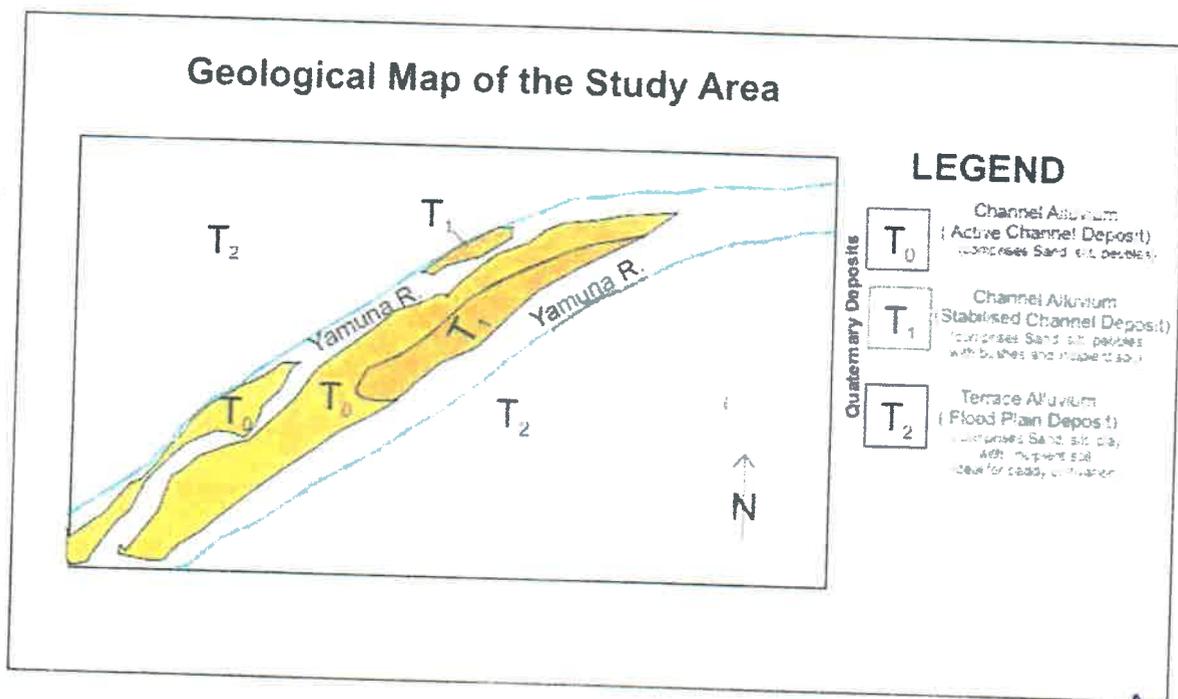
**Figure 8: LAND USE/LAND COVER**

*[Signature]*  
 Dr. Vijay Kumar Mishra  
 Director  
 Geomatics & Remote Sensing Pvt. Ltd.  
 Lucknow

**10.1 Hydrological Framework :**

Ground water in the area occurs in alluvium .The broad based hydrogeological unit is unconsolidated (Alluvium). Occurrence of consolidated formations is restricted primarily in the Yamuna tract and the area that flanks Yamuna. Ground water occurs within the primary porosity of alluvial sediments in the north, the aquifer materials are medium to coarse grained sands. The shallow aquifer materials are medium to coarse grained sands. The shallow aquifer occurs under unconfined condition while deeper aquifers are under semi confined to confined conditions.

**Ground water flow:** Water table as indicated from available data indicates that ground water flow is towards the river Yamuna in the south which is effluent in nature.



**Fig. 9 Geological Map Of The Study Area**

*Dr. Vijay Kumar Mishra*  
 Dr. Vijay Kumar Mishra  
 Director  
 Geology & Hydrology Dept. IIT

सेवा में,

जिलाधिकारी

जनपद- प्रयागराज

विषय- प्रार्थी के स्वीकृत खनन पट्टा क्षेत्र में प्राकृतिक जल धारा के परिवर्तन होने के कारण व खनन क्षेत्र के जलमग्न होने की स्थिति में खनन पट्टा को समाप्त करने के संबंध में प्रार्थना पत्र।  
महोदय,

कृपया उपरोक्त विषयक पत्रांक का संदर्भ ग्रहण करने का कष्ट करें, जिसमें प्रार्थी चंद्रजीत कुशवाहा पुत्र:- श्री मिठाई लाल कुशवाहा निवासी:- 51 आर के पुरम हवेलिया, झूँसी, प्रयागराज प्रो० सर्वश्री तारा इंटरप्राइजेस के नाम जनपद- प्रयागराज के तहसील- बारा स्थित यमुना नदी तल के साधारण बालू खनन क्षेत्र खंड संख्या- 06, स्थित ग्राम:- मंझियारी, भंभौर का 5 वर्षीय खनन पट्टा दिनांक 14/11/2023 से 13/11/2028 तक के लिए स्वीकृत एवं संचालित है, इस वर्ष मानसून सत्र की समाप्ति के उपरांत माह अक्टूबर 2024 में प्रार्थी के द्वारा माननीय राष्ट्रीय हरित अधिकरण द्वारा OA No-538 वर्ष-2022 में दिए गए आदेश के अनुपालन व प्रार्थी के स्वीकृत खनन क्षेत्र के सापेक्ष निर्गत पर्यावरण स्वच्छता प्रमाण पत्र में दिए गए निर्देश के अनुक्रम में माह- अक्टूबर 2024 में अपने खनन क्षेत्र का Replenishment Study हेतु अपने खनन क्षेत्र का सर्वे कराने के लिए मौके पर गया तो वर्तमान की भौगोलिक स्थिति में अपने खनन क्षेत्र का लगभग क्षेत्र जलमग्न व मिट्टी युक्त पाया गया, एवं खनन एरिया के दोनों तरफ प्राकृतिक जलधारा पाई गई, जिससे वर्तमान स्थिति को देखते हुए प्रार्थी के द्वारा उपरोक्त खनन क्षेत्र से खनन संक्रिया करना लगभग असंभव है, एवं प्रार्थी की देनदारी माह अक्टूबर 2024 तक जमा होने के कारण माह नवंबर से शुरू हो रही है, जिसे बिना खनन संक्रिया प्रारम्भ किये राजस्व देना संभव नहीं हो सकता है।

अतः प्रार्थी आपसे उपरोक्त के सापेक्ष निम्नलिखित अनुरोध करते हुए अग्रिम कार्यवाही करने की अपेक्षा चाहता है :-

1. यह कि यदि वर्तमान में प्रकृतिक स्थिति के अनुसार जब तक खनन क्षेत्र में पहुंच कर खनन संक्रिया प्रारंभ न हो तब तक की बकायेदारी को समाप्त किया जाए।
2. अन्यथा की स्थिति में यदि प्रार्थी के उपरोक्त खनन पट्टे को आपके द्वारा समाप्त किया जाता है और दूसरे के पक्ष में स्वीकृत किया जाता है तो प्रार्थी को अपने उपरोक्त खनन क्षेत्र के सापेक्ष जारी पर्यावरण स्वच्छता प्रमाण पत्र को हस्तांतरित करने में कोई आपत्ति ना तो है, और न ही भविष्य में होगा।
3. यदि प्रार्थी के उपरोक्त खनन पट्टे के सापेक्ष आज तक की कोई भी बकायेदारी हो तो प्रार्थी को शीघ्र अवगत कराने की कृपा करें जिससे प्रार्थी उपरोक्त बकाए को भी जमा करा सके।

Address - PLOT NO. 51 R.K. PURAM HAVELIYA AWAS VIKAS, PRAYAGRAJ U.P. 211019

Email Id [apppk0200g@gmail.com](mailto:apppk0200g@gmail.com)

Contact - 9415670663

(2)

अतः प्रार्थी के उपरोक्त तथ्यों पर सम्यक विचार करते हुए यदि प्राकृतिक परिवर्तन के कारण क्षेत्र में हुए बदलाव की वजह से बिना खनन संक्रिया किये, एवं उपरोक्त के कारण जब तक कि खनन क्षेत्र में खनन संक्रिया प्रारंभ करना संभव न हो तब तक की किस्तों को माफ किया जाय अन्यथा की स्थिति में प्रार्थी के उपरोक्त खनन पट्टे को सरेंडर मानते हुए समाप्त किया जाए, जिससे प्रार्थी के ऊपर बेवजह की कोई भी देनदारी आगे ना हो।

दिनांक:- 26/10/2024

प्रार्थी

*Chandrajeet*

चंद्रजीत कुशवाहा

(प्रो०)

तारा इंटरप्राइजेज

प्रतिलिपि:-

1. निदेशक भूतत्व एवं खनिकर्म विभाग लखनऊ उ०प्र०  
(सूचनार्थ एवं आवश्यक कार्यवाही हेतु)
2. ज्येष्ठ खान अधिकारी प्रयागराज

प्रार्थी

*Chandrajeet*

चंद्रजीत कुशवाहा

(प्रो०)

तारा इंटरप्राइजेज

## TARA ENTERPRISES

GSTIN :- 09APPPK0200G1Z7.      PAN: - APPPK0200G

To,  
District Magistrate  
District- Prayagraj

Subject: Application regarding termination of mining lease due to change in natural water flow in the approved mining lease area of the applicant and in the event of submergence of the mining area.

Sir,

Please take the trouble of taking the reference of the above subject letter number, in which the applicant Chandrajeet Kushwaha son of Shri Mithai Lal Kushwaha resident of 51 R K Puram Haveli, Jhunsi, Prayagraj, in the name of Pro. Sarvashri Tara Enterprises, 5-year mining lease of ordinary sand mining area block number 06 of Yamuna river bed, situated in Tehsil- Bara of District- Prayagraj, situated in village: Manjhiyari, Bhambhore is approved and operated from 14/11/2023 to 13/11/2028, after the end of monsoon session this year, in the month of October 2024, in compliance of the order given by the Hon'ble National Green Tribunal in OA No.538/2022 and in sequence of the instructions given in the Environmental Cleanliness Certificate issued relative to the approved mining area of the applicant, in the month of October 2024, for getting

the survey of his mining area done for Replenishment Study of his mining area, then in the present geographical position, approximately the leased area was found to be submerged and muddy, and natural water streams were found on both sides of the mining area, due to which, in view of the present situation, it is nearly impossible for the applicant to carry out mining operations from the above mentioned mining area, and as the applicant's liability is to be deposited by the month of October 2024, it is starting from the month of November, hence it would not be possible to pay revenue without starting mining operations.

Therefore, the applicant requests you to take further action in relation to the above by making the following request:-

1. That the dues should be waived off until the mining operation starts after reaching the mining area as per the present natural conditions.
2. Otherwise in case the above mining lease of the applicant is terminated by you and granted in favour of someone else then the applicant has no objection in transferring the Environmental Clearance Certificate issued in respect of his above mining area nor will he have any objection in future.
3. If the applicant has any dues till date in respect of the above mining lease, please inform the applicant soon so that the applicant can deposit the above dues also.

Therefore, after consideration of the above facts of the applicant, if due to changes in the area due to natural changes, without carrying out any mining operations, and due to the above, until it is not possible to start mining operations in the mining area, then the instalments should be waived; otherwise, the above mining lease of the applicant should be terminated considering it as surrendered, so that the applicant does not have to bear any unnecessary liability in future.

Date:- 26/10/2024

Applicant  
Sd.  
Chandrajit Kushwaha (Prof.)  
Tara Enterprises

Copy to:-

1. Director Geology and Mining Department, Lucknow, Uttar Pradesh (for information and necessary action)
2. Senior Mines Officer, Prayagraj

Applicant  
Applicant  
Sd.  
Chandrajit Kushwaha (Prof.)  
Tara Enterprises

Address - PLOT NO. 51 R.K. PURAM HAVELIYA AWAS VIKAS,  
PRAYAGRAJ U.P. 211019

Email Id [apppk0200g@gmail.com](mailto:apppk0200g@gmail.com)

Contact 9415670663

## कार्यालय जिलाधिकारी, प्रयागराज

(खनन अनुभाग)

पत्रांक: 22०७ / खनिज / 2024-25

दिनांक: 21 / 11 / 2024

मे० तारा इण्टरप्राईजेज  
प्र० श्री चन्द्रजीत कुशवाहा  
पुत्र श्री मिठाई लाल कुशवाहा  
पता-51, आर०के० पुरम्, हवेलिया,  
आवास विकास झूँसी, प्रयागराज।

जनपद प्रयागराज के तहसील-बारा स्थित यमुना नदी के खण्ड सं०-06 (ग्राम-मझियारी भमौर) क्षेत्रफल 10.00 हे० में साधारण बालू का खनन पट्टा दिनांक 14.11.2022 से 13.11.2028 तक के लिए आपके पक्ष में स्वीकृत/निष्पादित है। उक्त खनन पट्टा के सम्बन्ध में आप द्वारा प्रार्थना पत्र दिनांक 26.10.2024 प्रस्तुत करते हुए, यह अवगत कराया गया है कि माह अक्टूबर 2024 में खनन क्षेत्र का Resplishment Study हेतु खनन क्षेत्र का सर्वे कराने के लिए मौके पर गया तो वर्तमान की भौगोलिक स्थिति में अपने खनन क्षेत्र का लगभग क्षेत्र जलमग्न व मिट्टी युक्त पाया गया है एवं खनन एरिया के दोनों तरफ प्राकृतिक जलधारा पायी गयी, जिससे वर्तमान स्थिति को देखते हुए उपरोक्त खनन क्षेत्र में खनन संक्रिया करना असम्भव बताते हुए आप द्वारा यह अनुरोध किया गया है कि यदि प्राकृतिक परिवर्तन के कारण क्षेत्र में हुए बदलाव के वजह से बिना खनन संक्रिया किये एवं उपरोक्त के कारण जब तक कि खनन क्षेत्र में खनन संक्रिया प्रारम्भ करना सम्भव न हो तब तक कि किशतों को माफ करने अन्यथा कि स्थिति में प्रार्थी के उपरोक्त खनन पट्टे को सरेण्डर मानते हुए समाप्त किया जाये।

प्रश्नगत प्रकरण के सम्बन्ध में अवगत कराना है कि उ०प्र० उपखनिज (परिहार) नियमावली-2021 के नियम-41(ज) में यह व्यवस्था दी गयी है कि "किन्ही विशेष परिस्थितियों के कारण पट्टा क्षेत्र में खनन संक्रिया के बाधित होने की स्थिति में जिला अधिकारी राज्य सरकार के पूर्व अनुमोदन से आगामी किस्त के सापेक्ष बाधित अवधि के दौरान संदेय किस्त के समतुल्य धनराशि का समायोजन संदेय देयों से आनलाईन करेगा।" उक्त से स्पष्ट है कि प्रश्नगत प्रकरण में राज्य सरकार का अनुमोदन प्राप्त होने के उपरान्त ही कार्यवाही की जा सकती है।

उ०प्र० उपखनिज (परिहार) नियमावली-2021 के नियम-30 पट्टा अभ्यर्पण के सम्बन्ध प्रार्थना पत्र प्रस्तुत किये जाने के सम्बन्ध में स्पष्ट रूप से व्याख्यांकित किया गया है। आप द्वारा उपरोक्त प्रार्थना पत्र में किशत माफी तथा पट्टा सरेण्डर दोनों बातों का एक साथ अनुरोध किया गया है। इस प्रकार आप द्वारा पट्टा अभ्यर्पण के सम्बन्ध में प्रस्तुत प्रार्थना पत्र सशर्त है, जिस पर उक्त नियमावली के तहत विचार किया जाना सम्भव नहीं है। उक्त से स्पष्ट होता है कि आप द्वारा जानबूझकर प्रकरण को लम्बित रखकर अनुचित विधिक लाभ अर्जित किये जाने के उद्देश्य से उपरोक्त प्रार्थना पत्र प्रस्तुत किया गया है।

अतः आप द्वारा प्रस्तुत उपरोक्त प्रार्थना पत्र दिनांक 26.10.2024 उ०प्र० उपखनिज (परिहार) नियमावली-2021 के प्राविधानों के तहत विचार योग्य न पाते हुए निरस्त कर निस्तारित किया जाता है।



(अजय कुमार यादव)  
ज्येष्ठ खान अधिकारी,  
प्रयागराज।

पत्रांक व दिनांक तदैव।

प्रतिलिपि-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. प्रमुख सचिव, भूतत्व एवं खनिकर्म विभाग उ०प्र० शासन, लखनऊ।
2. निदेशक, भूतत्व एवं खनिकर्म निदेशालय उ०प्र० खनिज भवन, लखनऊ।
3. जिलाधिकारी, प्रयागराज।

(अजय कुमार यादव)  
ज्येष्ठ खान अधिकारी,  
प्रयागराज।

Office of the District Magistrate, Prayagraj

(Mining Section)

Date: 21/11/2024

Letter No.: 2207 / Minerals / 2024-25

M/s Tara Enterprises

Prof. Shri Chandrajit Kushwaha

son of Shri Mithai Lal Kushwaha

Address-51, R.K. Puram, Haveli,

Housing Development Jhunsi, Prayagraj.

Mining lease of ordinary sand in section no. 06 (village Majhiyari Bhabhaur) area 10.00 hectare of Yamuna river situated in Tehsil-Bara of district Prayagraj is approved / executed in your favor from 14.11.2022 to 13.11.2028. In relation to the said mining lease, while submitting the application dated 26.10.2024 by you, it has been informed that in the month of October 2024, when I went to the spot to get the mining area surveyed for Resplishment Study of the mining area, then in the present geographical situation, about an area of your mining area was found to be submerged and soil-filled and natural water streams

were found on both sides of the mining area, due to which, in view of the present situation, it is impossible to carry out mining operations in the above mining area, and you have requested that if due to the changes in the area due to natural changes, without carrying out mining operations and due to the above, till the time it is not possible to start mining operations in the mining area, then the installments should be waived, otherwise the above mining lease of the applicant should be terminated by considering it surrendered.

Regarding the matter in question, it is to be informed that Rule-41 (j) of the Uttar Pradesh Sub-Mineral (Prevention) Rules-2021 provides that "In case of interruption of mining operation in the lease area due to any special circumstances, the District Officer, with the prior approval of the State Government, shall adjust the amount equivalent to the installment payable during the interrupted period with the payable dues online in relation to the next installment." It is clear from the above that action can be taken in the matter in question only after obtaining the approval of the State Government.

Rule 30 of the Uttar Pradesh Sub-Mineral (Remedy) Rules-2021 has been clearly explained regarding the submission of the

application regarding lease surrender. In the above application, you have requested both installment waiver and lease surrender together. Thus, the application submitted by you regarding lease surrender is conditional, which is not possible to be considered under the said rules. It is clear from the above that you have deliberately submitted the above application with the aim of obtaining unfair legal benefits by keeping the case pending.

Therefore, the above application dated 26.10.2024 submitted by you is not found to be worth consideration under the provisions of Uttar Pradesh Sub-Mineral (Prevention) Rules-2021 and is cancelled and disposed of.

(Ajay Kumar Yadav)

Senior Mining Officer, Prayagraj.

letters and dates so on.

Copy- sent to the following for information and necessary action-

1. Principal Secretary, Geology and Mining Department, Government of Uttar Pradesh, Lucknow.
2. Director, Directorate of Geology and Mining, Uttar Pradesh, Mineral Bhawan, Lucknow.
3. District Magistrate, Prayagraj.

(Ajay Kumar Yadav)

Senior Mining Officer, Prayagraj.

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH AT NEW DELHI  
O.A NO. 1108 OF 2024

IN THE MATTER OF:

Ram Kumar Shukl

.....APPLICANT

VERSUS

State of Uttar Pradesh

.....RESPONDENTS

**Ajay Singh, Manish P Singh and Ashish Panwar**  
ADVOCATES & LEGAL CONSULTANTS  
M-97, LGF, GREATER KAILASH-I,  
NEW DELHI-110048. [ajaysinghadv@gmail.com](mailto:ajaysinghadv@gmail.com)  
Mob.09990089936

KNOW all to whom these presents shall come that I/we . Chandrajeet Kushawaha

That in the above mentioned matter the R-6 do hereby appoint AJAY SINGH, MANISH P SINGH and Ashish Panwar (Hereinafter called Advocates) to be my/ our Advocate (s) in the above-noted case and Authorize them:

To act, appear plead in the above-named case in this Court or in any other Court in which the same may be tried or heard & also in Appellate Court including Supreme Court subject to the payment of Fees separately for each court by me/us.

To sign, file verify & present pleadings, replications, appeals, cross objections or petitions for executions, review, restoration, withdrawal, compromise or other petitions, replies, objections or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents.

To Withdraw or compromise the said case or :  
during or in any manner relating to the said case:



ces or disputes that may arise

To take out execution proceedings.

To deposit, draw and receive moneys, cheques and grant receipts there for and do all other acts and things which may be necessary to be done for the progress and in the course to the prosecution of the said case.

To appoint & instruct any Legal Practitioner authorizing him to exercise the power & authorities hereby conferred upon the Advocates whether he may think fit to do & to sing the power of attorney on my/our behalf.

And I/We the undersigned do hereby agree to ratify and confirm the act as is done by the Advocates or their substitutes in the manner as my/our own acts as if done by me/us to do for intents & purpose. And I/We undertake that I/We or my/our authorized agent would appear in Court on all hearings and will inform the Advocate for appearance when case is called.

And I/We undersigned do hereby agree not to held the Advocate or his substitute for the result of this said case in consequence for his absence from the Court when the said case is called up for hearing or any negligence of the said Advocate(s) or his/their substitute of any other reason.

And I/We the undersigned do hereby agree that in the event of the whole or any part of the fee agreed by me/us to the Advocate remaining unpaid, they will be entitled/allowed to press upon the same. I/We shall have no objection if the costs are taken by the Advocate.

IN WITNESS WHEREOF I/WE do hereunto set my/our hand to these present the contents of which have understood by me/us on this 18 day of April 2025.

  
ADVOCATES Manish P Singh

Chandrajeet

CLIENT/S