

N.D.H.:22.01.2026

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

ORIGINAL APPLICATION NO. 272 OF 2025

IN THE MATTER OF:

ANIL KUMAR

..... APPLICANT

VERSUS

MoEF & CC & OTHERS

.....RESPONDENTS

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Place: New Delhi**Date:** 20.01.2026

Filed by:-


(GAURAV AGARWAL)

Advocate for Respondent No.8
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REPLY ON BEHALF OF THE RESPONDENT NO. 8,
PRAMOD KUMAR SINGH

MOST RESPECTFULLY SHOWETH:

1. That the instant Original Application is pending before this Hon'ble Tribunal wherein the Applicant has challenged the DSR for District Jalaun dated 05.06.2024 on the ground that it has been prepared without conducting the replenishment study. The Applicant has further sought to challenge the Letter of Intent dated 27.01.2025 issued in favour of the Respondent no. 8 alleging the proceedings to be initiated in absence of valid DSR.
2. That the Applicant herein has sought a relief of quashing and setting aside the (i) District Survey Report dated 05.06.2024 for District Jalaun, U.P., (ii) Letter of Intent dated 27.01.2025 in favour of answering Respondent, (iii) direction to State for not issuing advertisement for grant of mining lease till conducting the replenishment study and (iv) to restrain them from auctioning the area for sand mining or granting the mining lease.



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3. That the answering Respondent is a holder of LOI lease on Yamuna river in District Jalaun, Tehsil Madhogadh, village Mathauli Gata No. 714G, area 10 hct. The LOI for the aforesaid lease was issued to the answering Respondent on 27.01.2025 and consequently, it has also deposited the necessary requisite amount.
4. That the original Application is based on incorrect, false and misleading facts. The Applicant herein has sought relief from the Hon'ble Tribunal, primarily against the DSR for year 2024 alleging that it was prepared without the replenishment study. The other relief sought are merely consequential to the main prayer. However, in light of the reports and replies filed by the state respondents and other documents on record the issue regarding the replenishment study before preparing the DSR 2024 does not survive.
5. That in the affidavit filed by the District Magistrate, Jalaun in OA No. 13 of 2025 it is mentioned at para 16 that the process for conducting of Replenishment study was initiated during pre-monsoon period of 2023 by District Level Sub Committee. As per the said affidavit a directive was issued on 10.07.2023 for constitution of SDC (pg 376) (OA No. 13 of 2025).
6. That it is further mentioned that subsequently to the pre-monsoon replenishment study, post monsoon replenishment study was also conducted by the SDC. It was only after the said study the DSR for Jalaun was prepared on the basis of the said study.

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7. That the DSR for the District Jalaun was prepared only after the replenishment study was done. It is noteworthy that said DSR after being prepared was recommended on 24.02.2024 by committee constituted by the District Magistrate for its examination and study for sending it for approval to SEIAA. The report attached at annexure R-4 pg 377 (OA No. 13 of 2025) of the affidavit of District Magistrate, Jalaun shows that the DSR was uploaded on the website for 30 days calling for the objections or suggestions, if any, from the public. The document at pg 286 in present OA is order of the Addl. District Magistrate to the Public Information Officer Jalaun for uploading the draft DSR on website for 30 days for objection/ suggestions. However, no objections was received, showing compliance of necessary procedures including preparation of replenishment study.
8. That the DSR for Jalaun for year 2024 was submitted to SEIAA and was approved in accordance with the SOP. On 28.05.2024 Member Secretary, SEIAA conveyed approval of DSR for Jalaun to the Director Geology and Mining. On 04.06.2024 the Addl. District Magistrate, Jalaun issued a letter to the District Information Officer for uploading the DSR for the district on website.
9. That it is submitted here that no objection was taken to the DSR at the stage of drafting nor at the final stage prior to the issue of advertisement. The Applicant remained silent and did not filed any objection before any concerned authority, nor approached this Tribunal.
10. That it was on 16.11.2024 the advertisement ws issued by the Office of District Magistrate, Jalaun calling for e-tender of

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two leases as per the DSR. The said advertisement provided for the final date of e-auction as 26.12.2024. No objection of any nature whatsoever was taken by any person till the date of auction. The deliberate silence on the part of the Applicant in not making any objection at any earlier stage shows that the present proceedings are not bonafide.

11. That it is further submitted that DSR was approved on 28.05.2025. The Respondent no. 8 was granted LOI on 27.01.2025. the Respondent no. 8 has already invested huge amount of money and has deposited huge amount with the Respondent State and has, thereafter, applied for environment clearance. Thus, present proceedings are clearly not bonafide and an abuse of process.

12. It is further submitted that provisions of section 14 NGT Act provides for a limitation of 6 months from the date when the cause of first arose. The substantial question of law arising in the present proceedings pertains to the legality of the DSR in absence of the replenishment study. The DSR being approved on 28.05.2025 the six month period expired on 28.11.2025 as cause of action first arose of 28.05.2025 if not on 24.02.2025 when the DSR was examined by sub committee.

13. That Section 14(3) of the NGT Act clearly provides that *No application for adjudication of dispute under this section shall be entertained by the Tribunal unless it is made within a period of six months from the date on which the cause of action for such dispute first arose.* The language of the provision clearly suggests that there is no concept of continuing cause of action as the legislature in its wisdom

has provided an outer limit of six months from the cause of action arising first. Hence, in present case the DSR being approved on 28.05.2025 the cause of action first arose on 28.05.2024 and the six months expired on 28.11.2024. Hence, the original Application is beyond limitation and not maintainable for this reason also.

14. That in **Windsor Realty Pvt. Ltd.v. Secretary MOEF, W.P. No. 594 of 2015, decided on 09.06.2016** the High Court of Judicature at Bombay has held that the concept of continuous cause of action is alien to this Tribunal. The High Court has held that :

“35. A bare perusal of the said section clearly discloses that period of limitation is six months from the date on which the cause of action first arose. Prima facie, therefore it cannot be interpreted by any stretch of imagination that it would arise from the date of knowledge of the original applicant of the alleged violation taking place or from the date on which the Environmental Authorities were informed about violation and inaction on their part. There appears to be a lot of confusion in the mind of NGT Bench, Pune on various aspects of continuous cause of action. Perusal of the said Section indicates that the concept of continuous cause of action cannot apply to the complaints which are filed before the NGT because had it been so, the legislature would not have stated that the limitation would be six months from the date on which the cause of action for such dispute first arose. If the interpretation which is sought to be given to the provision by the NGT Bench, Pune in the impugned order is accepted, the complaint could be filed by the aggrieved person at any point of time, claiming that he came to know about the violation after 10 or 20 years. At the same time, if there is any violation of the provisions of the Environment (Protection) Act, 1986, the same have to be addressed and looked into. The only question is by which Authority.”

15. That as regards the provision of section 15 NGT Act no relief of restoration, restitution or compensation is made out as no mining activity has commenced. The applicant in Original Application also does not seek any relief for

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restoration, restitution or compensation. Hence, mere reference of OA to be under section 15 NGT Act is not relevant.

16. That it is submitted in addition that the DSR 2024 for Jalaun consists of 81 leases out of which 68 are existing and 13 leases are newly proposed. The list of mining leases with location area and period of validity is provided at Chapter 3 of DSR at pg 192. The concerning lease is shown as serial no. 3 on river Yamuna at page 194. The said lease is an existing lease and not a new lease.

17. That Chapter 15 at pg 225 refers to mineral potential of the district and mentions that :

"mineral potention is part of the Replenishment studies that have been conducted separately by CMPDI. The mineral potention also has been covered in chapter 11, Geology and Mineral Wealth."

18. That similalry in Chapter 16 at pg 225 annual deposition is mentioned as :

"annual deposition is the part of the Replenishment studies that have been conducted separately by CMPDI"

19. That the Annexure III at page 235 provides for the availale mineable quantity of 100000 m³ of sand morrum at the lease site at gata no. 714G for which LOI is issued to Respondent no. 8. The final list of existing and proposed leases at Annexure V provides for the same quantity.

20. That the affidavit filed by SEIAA in OA No. 13 of 2025 dated 26.03.2025 produced the copy of the replenishment study for District Jalaun at pg 669 (OA No. 13 of 2025). The

said document clearly evidents that the replenishment study was conducted and the same was the basis for preparation of the DSR by the sub divisional committee.

21. That grievance of the Applicant pertaining to the absence of replenishment study prior to preparation and approval of the DSR 2024 does not survives in light of the above submitted facts. There has been no violation of the SSGM 2016 or EMGSM 2020 guidelines in preparation of the DSR 2024 by the State as evident from their replies/affidavits on record. Hence, the challenge to the LOI or DSR is without any legal basis and unsustainable.
22. That it is necessary to appreciate that as on date there has been no grant of the mining lease as yet by the State as the tender process is at very initial stage and at present only LOI has been issued. The execution of mining lease will take place only after the grant of the EC to the answering Respondent, which is likely to take sometime. Meanwhile, before the execution of the mining lease a fresh yearly replenishment study pre and post monsoon will be carried out for the year. Hence, the permitted mineable quantity will depend upon the said study. Thus, the present original application seeking a relief against the grant of mining lease to the answering Respondent is premature.

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23. That in the light of the reply/objections made in the preceeding paragraphs of this affidavit, the Original Application of the Applicant deserves to be dismissed without any relief.

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PRAMOD KUMAR SINGH
[Signature]
PROPRIETOR

PRAMOD KUMAR SINGH.
(Respondent No. 8)

74772/25

Through

[Signature]

(GAURAV AGARWAL)

Advocate for Respondent no. 8

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VERIFICATION

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AFFIDAVIT

I, Pramoad Kumar Singh, aged about 59 years, S/o Shri Malkham Singh Resident of Pathanpura - Rath District - Hamirpur, Uttar Pradesh, do hereby state on solemn affirmation as under:

1. That am the Respondent No. 8, in the present Original Application as such I am well conversant with the facts and circumstances of the present case and hence, competent to swear this affidavit.
2. That I have gone through the accompanying Reply from para 1 to 23 and say that the contents thereof are true and correct to the best of my knowledge and belief and I believe the same to be true.

Solemnly affirmed on this day __ of Nov., 2025 at U.P.

PRAMOD KUMAR SINGH
(Signature)
PROPRIETOR
DEPONENT

VERIFICATION

Verified at Rath, U.P. on this 12 day of Nov, 2025 that the contents of my above affidavit are true and correct to my knowledge and no part of it is false and nothing material has been concealed therefrom.

PRAMOD KUMAR SINGH
(Signature)
PROPRIETOR
DEPONENT

I Know That Personally
Signature and L. (Signature)
12/11/25



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