

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 169 OF 2025**

IN THE MATTER OF:

PAWAN KUMAR

APPLICANT

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

INDEX

S.No.	PARTICULARS	PAGE No.
1.	Reply on behalf of SEIAA, U.P. with affidavit	1-11

THROUGH



Place: New Delhi

Priyanka swami

Date: 15/04/2026

Advocate

Standing Counsel for SEIAA, U.P.

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**STATUS REPORT ON BEHALF OF STATE ENVIRONMENT IMPACT
ASSESSMENT AUTHORITY, U.P. (RESPONDENT NO. 4)**

MOST RESPECTFULLY SHOWETH:

1. That at the outset, it is respectfully submitted that the present Status Report is being filed on behalf of the State Environment Impact Assessment Authority, Uttar Pradesh (SEIAA, U.P.) in compliance with the directions issued by this Hon'ble Tribunal, and the same is being tendered with utmost respect to assist this Hon'ble Tribunal in the adjudication of the present matter in accordance with law.
2. That in compliance with the order dated 28.01.2026 passed by this Hon'ble Tribunal, the answering respondent submits that the operative portion of the said order is reproduced herein for ready reference:

"...Learned Counsel appearing for SEIAA, UP has submitted that SEIAA, UP does not have any resources to ascertain if the respondent no.11 is violating the EC conditions. She has submitted that violation is required to be ascertained by District Administration and Mining Department. We are surprised to note that though the report of the joint committee has come on record along with affidavit of District Magistrate, Sonbhadra dated 12.11.2025 thereafter more than two months have passed and violations have come to the knowledge of SEIAA, UP but till now SEIAA, UP has not reflected any action taking into consideration the said violation. Counsel for the SEIAA, UP is not even in a position to inform the Tribunal if any valid EC exists in favor of respondent no.11 as on today. We expect the SEIAA, UP to act impartially and act promptly in accordance with law. Thus, we require SEIAA, UP to file the status report within four weeks. We also take note of the finding which has been recorded by the joint committee to the following effect: "The Joint Committee observed that a significant portion of the leased area (3.2 ha) is found within the mainstream of the river, where mining activities were carried out..."

- 3.** That it is further submitted that the answering respondent has already placed on record its detailed Counter Affidavit dated 11.11.2025, wherein all relevant facts pertaining to the grant, subsistence, and validity of the Environmental Clearance (EC) in favour of Respondent No. 11 have been duly set out for the

consideration of this Hon'ble Tribunal, and the present Status Report is being filed in continuation thereof and in compliance with the aforesaid directions.

4. That it is further submitted that Environmental Clearance (EC) bearing Identification No. EC21B001UP150816 dated 01.12.2021 was granted in favour of Respondent No. 11 for a Sand/Morrum Mining Project situated at Village Bhagwa, Tehsil Obra, District Sonbhadra (area admeasuring 14.98 hectares), after due appraisal in accordance with the provisions of the EIA Notification, 2006.
5. That the said Environmental Clearance was initially granted for a period of one year, subject to compliance with all general and specific conditions, including the following specific condition:

"The Environmental Clearance will be co-terminus with the mining lease period/Mining Plan. The Mining Plan approved by the Department of Mines and Geology shall be strictly implemented and shall not be operated beyond the validity period."

6. That it is most respectfully submitted that in the wake of letters issued by DGM, U.P.—Letter No. 1368/M-228/2017 Khananniti

(VIII) dated 27.12.2022 and Letter No. 1381/M-228/2017 Khananniti (VIII) dated 30.12.2022 addressed to Member Secretary, SEIAA, U.P.—the 685th meeting of SEIAA was convened, wherein it was inter alia observed and decided as follows:

"SEIAA gone through the letter of DGM, UP letter no1368/M-228/2017 khananniti (VIII) dated 27-12-2022, letter no.1381/M-228/2017 khananniti (VIII) dated 30-12-2022 addressed to MS SEIAA in which it is mentioned as follows..."प्रदेश के विभिन्न जनपदों में स्थित नदी तल के बालू/मोरम के खनन क्षेत्रों के replenishment Study का कार्य भारत सरकार की संस्था सी०एम०पी०डी०आई० द्वारा पूर्ण कर लिया गया है।" SEIAA also gone through the E-mail dated 31-12-2022 of DGM UP and progress statement on the scientific sand replenishment study being carried out by CMPDI vide letter no-CMPDI/BDD/E-760656/I-16525 dated 30-12-2022 for 26 districts (25+1) and Rivers- Ken, Betwa, Yamuna, Gandak Ghaghra, Ganga, Tauns Bhaghain Son, Rapti, Paisuni, Dahsan Mangour, UR.Saprar, Sukhanai, Belan.

SEIAA agrees to extend the validity of the ECs of the concerned leases (of Districts Chitrakoot, Fatehpur, Kaushambi, Hamirpur, Jalaun, Jhansi, Sonebhadra, Shaharanpur, shamli, Baghpat, Ghaziabad, G.B.Nagar, Prayagraj, Mirzapur, Chanduli, Faizabad, Ambedkarnagar, Gorakhpur, Santkabir nagar, Siddharth Nagar, Gonda, Basti, Bahraich, Kanpur Nagar, Kanpur Dehat, Banda) for the period of one year, if the reported production is equal to or less than the production capacity mentioned in original/valid ECs. In case the proponent/DGM aspires to mine additional mineral (Based on the replenishment report) then the proponent has to submit a fresh application. It will be the

responsibility of the Mining Department to ensure that no mining is carried out beyond the quantity mentioned in the replenishment study report validated by mining department.

Rest all the conditions mentioned in the original EC shall remain same.”

7. That it is submitted that in the 945th meeting of the State Expert Appraisal Committee (SEAC) held on 28.05.2025, the matter was deliberated in detail, wherein the SEAC, inter alia, took note of the fact that Environmental Clearances (ECs) are granted subject to specific conditions, including the condition that the validity of the EC shall be co-terminus with the mining lease period and/or the approved Mining Plan, whichever is earlier. The SEAC further observed that the District Sonbhadra has uploaded the replenishment study reports for the years 2023 and 2024 in the public domain on its official website. In view thereof, the SEAC recommended extension of the validity period of the Environmental Clearances granted in terms of the 685th SEIAA meeting dated 31.12.2022, making the same co-terminus with the mining lease period/Mining Plan, whichever is earlier, in cases where the replenishment study reports for the years 2023 and 2024 have been duly uploaded in the public domain. It was further stipulated that the responsibility shall lie upon the Mining Department to ensure

that no mining activity is carried out beyond the quantity specified in the replenishment study report duly validated by the Mining Department, and that the mining leases are operated strictly on the basis of such replenishment study reports, which are to be conducted on an annual basis.

- 8.** That SEIAA, in its 911th meeting dated 22.09.2025, considered the aforesaid recommendations of SEAC and resolved as follows:

SEIAA gone through the comments of SEAC and noted that SEAC went through the letter dated 30-12-2022 of DGM UP, informing that replenishment studies has been completed by CMPDI and the validity period of E.C. granted for the period of 1 year may be extended till the validity period of lease deed. SEAC also noted that EC's are also issued with Specific Conditions that Environmental clearance will be co-terminus with the mining lease period/Mining Plan. SEAC also noted that District Sonbhadra has uploaded replenishment study report for year 2023 and year 2024 in public domain <https://sonbhadra.nic.in>.

Hence, SEIAA agreed with the recommendation of SEAC to extend the validity period of environmental clearances concerned with the 685th SEIAA meeting dated 31/12/2022 which will be co-terminus with the mining lease period/Mining Plan, whichever is earlier, where replenishment study report has been uploaded in the public domain for the period of year 2023 and 2024.

It will be the responsibility of the Mining Department to ensure that no mining is carried out beyond the quantity mentioned in the replenishment study report validated by

mining department and leases are operated on the basis of replenishment study reports, conducted on annual basis.

- 9.** That the aforesaid decision was duly communicated to the concerned District Magistrates and other authorities for necessary compliance and implementation.
- 10.** That it pertinent to mention that the lease period was sanctioned for 05 years in favour of Respondent No. 11, as mentioned in the LOI, and the Mining Plan was approved for a period of 05 years from the date of execution of the mining lease.
- 11.** That with regard to the observation of this Hon'ble Tribunal regarding the existence of a valid Environmental Clearance (EC), it is most respectfully submitted that the EC dated 01.12.2021 was initially granted for a period of one year with the condition that it shall be co-terminus with the mining lease period/Mining Plan, and thereafter its validity has been extended in terms of the decisions taken by SEIAA in its meetings dated 31.12.2022 and 22.09.2025; accordingly, the Environmental Clearance granted in favour of Respondent No. 11 is presently valid and continues to be co-terminus with the mining lease period/Mining Plan, whichever is earlier, subject to compliance with the conditions stipulated therein.

- 12.** That such extension is conditional in nature and dependent upon compliance with replenishment study reports, mining plans, and environmental safeguards, and is not unconditional.
- 13.** That with respect to the findings recorded by the Joint Committee indicating instances of non-compliance, it is most respectfully submitted that the Member Secretary, SEIAA, Uttar Pradesh, has already taken cognizance of the same and, accordingly, issued a communication bearing Letter No. 19 dated 10.04.2026 to the concerned competent authorities, namely the Director, Directorate of Geology and Mining, Uttar Pradesh; the District Magistrate, Sonbhadra; and the Member Secretary, Uttar Pradesh Pollution Control Board, calling upon them to take appropriate action strictly in accordance with law in light of the observations and findings contained in the Joint Committee report.
- 14.** That it is respectfully submitted that the role of SEIAA is confined to grant of Environmental Clearance under the EIA Notification, 2006, and it does not exercise control over day-to-day mining operations. Regulation and enforcement of mining activities fall within the jurisdiction of the District Administration and the Department of Geology and Mining, Government of Uttar Pradesh.

15. That it is most respectfully submitted that the State Environment Impact Assessment Authority (SEIAA), Uttar Pradesh has at all times acted fairly, impartially, and strictly in accordance with the provisions of the EIA Notification, 2006, and continues to discharge its statutory functions in a transparent and lawful manner; it is further submitted that the SEIAA remains fully committed to the objectives of environmental protection and sustainable development, and to ensuring scrupulous compliance with the directions and orders passed by this Hon'ble Tribunal.

**Through
SEIAA, U.P.**

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AFFIDAVIT

I, Vidhyotma Bharti, aged about 49 years W/o Dr. G.L. Nigam is presently posted as Assistant Director, Regional Office, Noida, Directorate of Environment & Climate Change, U.P., having an office at E-12/1, Noida, U.P., presently at New Delhi, do hereby solemnly affirm and declare as under: -

- 1.** That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit on behalf of Member Secretary, SEIAA before this Tribunal.
- 2.** That the accompanying reply has been drafted by our counsel upon my instructions of Member Secretary.
- 3.** That the contents of the accompanying reply are true and correct, and the knowledge has been derived from official records and nothing material has been concealed therefrom.
- 4.** That the Deponent will continue to extend her full cooperation and shall abide by any further directions that the Hon'ble Tribunal may issue.



D/4476/10
I identify the deponent who
has signed in my presence

V. Shashi

DEPONENT

VERIFICATION

Verified on solemn affirmation at New Delhi on 15 APR 2026 day of
2026, that the contents of the foregoing affidavit are true and correct to the best
of my knowledge and no part of it is false and nothing material has been
concealed therefrom



V. Shashi
DEPONENT

ATTESTED
[Signature]
**NOTARY PUBLIC
(INDIA)**

15 APR 2026