

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH AT NEW DELHI

**ORIGINAL APPLICATION NO. 186 OF 2026**

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

**.....APPLICANTS**

**VERSUS**

**STATE OF U.P. & ORS.**

**.....RESPONDENTS**

**INDEX**

<b>SLNo.</b>	<b>PARTICULARS</b>	<b>PAGES</b>
<b>1.</b>	RESPONSE ON BEHALF OF UTTAR PRADESH POLLUTION CONTROL BOARD, RESPONDENT NO. 6.	1-5
<b>2.</b>	Vakalatnama	<b>6</b>

**NEW DELHI**  
**DATED: 04.05.2026**



**(PRADEEP MISRA & DALEEP DHYANI)**

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

ORIGINAL APPLICATION NO. 186 OF 2026

IN THE MATTER OF:  
KAPIL & ORS.

.....APPLICANTS

VERSUS

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.....RESPONDENTS

RESPONSE ON BEHALF OF UTTAR PRADESH POLLUTION  
CONTROL BOARD, RESPONDENT NO. 6.

I, Rajendra Prasad, S/o. late Shri Vishnu Ram, aged about 58 years, Regional Officer, Uttar Pradesh Pollution Control Board, Meerut, U.P. at present at New Delhi do hereby solemnly affirm and declare as under:

1. That I in the abovenoted capacity, am well conversant with the facts and records of the present case and being authorized by U.P. Pollution Control Board, hence am competent to swear this affidavit.
2. That Mining Department invited e-tender with e-auction notice on 14.08.2023. Thereafter, Respondent No. 9 being the highest bidder, Lol was issued on 15.07.2024. Environment Clearance was granted to Respondent No. 9 by SEIAA on 17.01.2026 and thereafter Consent to Operate was granted by replying Respondent on 29.01.2026 which was valid upto 31.07.2026.

*Handwritten signature*

3. That the District Magistrate granted permit to Respondent No. 9 on 06.02.2026 for six months as per the terms and conditions mentioned in Environment Clearance. It was mentioned that the said permit would be for six months leaving the monsoon season of July, August and September.
4. That in compliance of the order of this Hon'ble Court, Joint Committee has conducted an inspection on 15.04.2026 and submitted a detailed report to this Hon'ble Tribunal.
5. That a complaint dated 26.02.2026 was received and in pursuance of the same a team of officers on 28.02.2026 visited the site and found that Respondent No. 9 has transported 768.9 Cubic Meters from 2 pits outside the approved area.
6. That further on 06.09.2023 a committee of officers have found that Respondent No. 9 has mined 1188 Cubic meters sand and has illegal lifted and transported it from outside the approved area.
7. That regarding these violations penalty was imposed by the District Administration amounting to Rs. 4,19,072/- which was deposited by Respondent No. 9 on 19.03.2026. similarly, notice dated 12.03.2026 has been issued in respect of second violation for penalty of Rs. 6,20,240/- which has also been deposited by Respondent No. 9 on 04.04.2026.



*DN*

8. That besides this in the report of Regional Lekhpal Survey and other officers dated 25.03.2026 it has been found that Respondent No. 9 has violated the terms of permit and mining has been done at some places below the water level, hence the penalty was imposed which was deposited by Respondent No. 9.
9. That in view of illegal mining by Respondent No. 9 beyond the permissible area amounting to 768.9 + 1188 Cubic Meters, totaling to 1956.9 Cubic Meters the U.P. Pollution Control Board as per the decision of this Hon'ble Court in OA No. 360 of 2015; National Green Tribunal Bar Association Vs. Virendra Singh (Gujarat) has calculated the Environmental Compensation as per Approach 2 which is as follows.



The market value of the same mineral as per Government Order = Rs. 80 per square meter x 400. Thus total amount comes to Rs. 1956.9 x 400 = Rs. 782760/- and royalty Rs. 1956.9 x 80 = Rs. 156552/-. Thus total market value is computed as Rs. 939312/-. Applying Approach 2 Environmental Compensation has been calculated.

Approach 2: Computing a Simplified NPV (Net Present Value) for ecological damages.

In this approach, the criteria adopted is:

Total Benefits (B) = Market Value of illegal extraction: D

Total Ecological Costs = Market Value Adjusted for risk factor:  $D * RF$

*dh*

Severity	Mild	Moderate	Significant	Severe
Risk Level	1	2	3	4
Risk Factor(RF)	0.25	0.50	0.75	1.0
Discount(r)	8%	7%	6%	5%

Market value of illegally mined materials  $D=Z \times$  market value of the material per MT or  $m^3$

$$= 1956.9 \times 80 \times 6$$

$$D = 939312/-$$

Present value of foregone Ecological values @ 5% discount rate and over 5 years

$$= D \times RF$$

$$= 939312 \times 1 \text{ (RF = 1.0; Severe as being illegal)}$$

$$= 939312/-$$

PV

$$= \sum_{t=1}^5 \frac{(D \cdot RF)}{(1+r)^t}$$

$$= \frac{(939312)}{(1+0.05)^1} + \frac{(939312)}{(1+0.05)^2} + \frac{(939312)}{(1+0.05)^3} + \frac{(939312)}{(1+0.05)^4} + \frac{(939312)}{(1+0.05)^5}$$

$$= 894582.86 + 851983.67 + 811413.02 + 772774.31 + 735975.53 = 4066729.39$$

$$\text{Net Present value (NPV)} = PV - D$$

$$= 4066729.39 - 939312/-$$

$$= 3127417.39/=$$

Compensation Charge in above case:


<b>Approach 2 (explicit accounting of NPV)</b>
@ 5% discount rate and over 5 years
Rs.3127417.39 /-
Rs 3127417/-

10. That thus Respondent No. 9 be asked to deposit Environmental Compensation of Rs. 3127417/- with UPPCB.

*Handwritten signature*



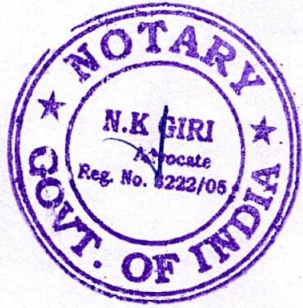
The above facts are being placed for kind consideration of this Hon'ble Tribunal.



DEPONENT

VERIFICATION:

Verified at Meerut on this the *4th* day of May, 2026 that the contents of above affidavit are true and correct to my knowledge based on records and information received and believed to be true, no part of it is false and nothing material has been concealed therefrom.



DEPONENT

ATTESTED NOTARY  
N. K. GIRI  
Advocate Meerut  
Reg. No. 3222/05

## BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Appeal/OA NO.

186 OF 2026

In re:

**KAPIL & ORS**Plaintiff /Appellants/  
Petitioner/Complainant

VERSUS

**STATE OF U.P. & ORS.**Defendant/Respondent/  
Accused

KNOW ALL to whom these present shall come that I/We  
Anuj Kumar chaubey the above named Law officer  
 do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above  
 noted case & authorize :-

**Mr. Pradeep Misra, Mr. Daleep Dhyani, Advocates,  
 138, New Lawyers Chamber, Supreme Court of India,  
 New Delhi, Ph. :011-23070011, Mob. 9810252518, 9811070721**

To act, appear and plead in the above-noted case in this Court or in any other Court in which  
 the same may be tried or heard and 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 execution  
 review, revision, withdrawal, compromise or other petitions 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 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 touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive money, cheques, cash and grant receipts thereof 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 it to do so and to  
 sign the Power of Attorney on my/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 purposes.

AND I/We undertake that I / we or my /our duly authorized agent would appear in the Court  
 on all hearings and will inform the Advocates 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 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 fee is paid, I/we will not be  
 entitled for the refund of the same in any case whatsoever. If the case lasts for more than three  
 years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for  
 every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents  
 of which have been understood by me/us on this 04 day of 05 .2026

Ac (subject to the terms of fees.

(PRADEEP MISRA)(DALEEP DHYANI)  
 Advocate Advocate (D/435/01)

Client  
**Anuj Kumar Chaubey**  
 Law Officer-I  
 U.P. Pollution Control Board  
 Lucknow

