

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 102 OF 2025**

IN THE MATTER OF:

SUNIL

...APPLICANT

VERSUS

STATE OF HARYANA & ORS.

...RESPONDENTS

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THROUGH



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PLACE – NEW DELHI

Drawn On - 12.03.2025

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 102 OF 2025**

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**SUPPLEMENTARY AFFIDAVIT ON BEHALF OF THE
APPLICANT/ SUNIL IN COMPLIANCE OF THE ORDER DATED
07.03.2025 PASSED IN THE CAPTIONED MATTER**

MOST RESPECTFULLY SHOWETH:

1. That I am the Applicant and has filed the captioned Original Application wherein detailed facts and circumstances leading to the filing of the present Original Application have been set out in detail in the body of the Application and the same are not being repeated herein for the sake of brevity and to avoid prolixity. That I crave leave of this Hon'ble Tribunal to refer to and rely upon the averments and submissions made in the body of the Original Application and the same may be read as part and parcel of the present Supplementary Affidavit.
2. That the above captioned Original Application was listed before this Hon'ble Tribunal on 07.03.2025 and this Hon'ble Tribunal granted liberty to file supplementary affidavit to clarify the facts with regard to the alleged violation of environmental laws by Respondent No. 6 in carrying out mining activities in respect to ordinary soil/sand. The order dated 07.03.2025 passed by this Hon'ble Tribunal states as under:

“After some arguments learned counsel for the Applicant stated that since the pleadings are not very clear he may be allowed to file a supplementary affidavit to clarify the facts with regard to the alleged violation of environmental

laws by Respondent No. 6 in carrying out mining activities in respect to ordinary soil/sand. Let him do so within one week”.

3. That pursuant to the aforesaid liberty granted by this Hon’ble Tribunal, the following facts and grounds are being mentioned in the present Affidavit in order to bring clarity with regard to the violation being done by the Respondent No. 6:
4. That the Respondent No.6/ M/s. Sarishti Enterprises is excavating the ordinary clay/ earth in the plot bearing Killa No. 4//10, 11, 5, 6, 15, Village – Murthal, District – Sonapat, Haryana without obtaining Environmental Clearance, Consent to Operate, and other requisite permissions from the concerned authority.
5. That as per the Appendix – IX of the Environment Impact Assessment notification 2006 (as amended up to date), the mining activity being carried out by the Respondent No.6 does not fall under the exemption from prior Environmental Clearance. That as per the Appendix – IX of the Environment Impact Assessment notification 2006, the following cases shall not require prior Environmental namely: -
 1. *Extraction of ordinary clay or sand, manually, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs.*
 2. *Extraction of ordinary clay or sand, manually, by earthen tile makers who prepare earthen tiles.*
 3. *Removal of sand deposits on agricultural field after flood by farmers.*
 4. *Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village.*
 5. *Community works, like, de-silting of village ponds or tanks, construction of village roads, ponds or bunds undertaken in Mahatma Gandhi National Rural Employment and Guarantee Schemes, other Government sponsored schemes and community efforts.*
 6. *Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management.*

7. *Traditional occupational work of sand by Vanjara and Oads in Gujarat vide notification number GU/90(16)/MCR-2189(68)/5-CHH, dated the 14th February, 1990 of the Government of Gujarat.*
8. *Digging of wells for irrigation or drinking water purpose.*
9. *Digging of foundation for buildings, not requiring prior environmental clearance.*
10. *Excavation of ordinary earth or clay for plugging of any breach caused in canal, nallah, drain, water body, etc., to deal with any disaster or flood like situation upon orders of the District Collector or District Magistrate.*
11. *Activities declared by the State Government under legislations or rules as non-mining activity with concurrence of the Ministry of Environment, Forest and Climate Change, Government of India.”*

That from the above list of exemption, it is very clear that the Respondent No.6 does not fall within any of the aforesaid exemption and hence is in violation of the environmental norms which can be seen from the Short Term Permission dated 11.02.2025.

6. That Respondent No.6/ M/s. Sarishti Enterprises has made an impression that the excavation of Ordinary clay/sand or sandy soil being done for some developmental project, but in reality, there is no developmental project of either Central Government or State Government is under process with respect to land bearing Killa No. 4//10, 11, 5, 6, 15, Village – Murthal, District – Sonipat, Haryana.
7. That the following grounds are elaborated properly so as to bring out the clarity in the present matter for proper adjudication of the matter:
 - i. **BECAUSE**, as per the Appendix – IX of the Environment Impact Assessment notification 2006 (as amended up to date), the mining activity being carried out by the Respondent No.6 does not fall under the exemption wherein prior Environmental Clearance is not required in certain cases. And there is gross violation of Environment Impact Assessment notification 2006.

- ii. **BECAUSE**, Respondent No.6/ M/s. Sarishti Enterprises is excavating the ordinary clay/ earth in the plot bearing Killa No. 4//10, 11, 5, 6, 15, Village – Murthal, District – Sonipat, Haryana without obtaining Environmental Clearance, Consent to Operate, and other requisite permissions from the concerned authority.
- iii. **BECAUSE**, illegal mining in question is being carried out by the Respondent No.6 in an organized manner in collusion with government officials. The environmental clearance and requisite permissions have been obtained for a different Khasra number and for a different activity altogether, whereas the actual mining is being conducted at an unauthorized location, falsely portraying it as excavation of ordinary clay/earth so as to bypass the auction proceedings and other mandatory approvals. This fraudulent misrepresentation is being used as a mere facade to illegally extract sand from the Red Zone area, thereby causing severe environmental degradation and resulting in loss to the government for illicit commercial gains.
- iv. **BECAUSE**, the word “Environment” includes water, air and land and the inter-relationship among them and living creatures and plants which is being degraded due to the rampant excessive, illegal, unplanned and unsustainable mining sought to be carried on at plot bearing Killa No. 4//10, 11, 5, 6, 15, Village – Murthal, District – Sonipat, Haryana in collusion with officials of the State Government. That the Section 2 (1) (c) of the National Green Tribunal Act, 2010 defines the term “environment” which is reproduced as under:
- 2. Definitions.** — (1) *In this Act, unless the context otherwise requires, —*
- (c) *“environment” includes water, air and land and the interrelationship, which exists among and between water, air and land and human beings, other living creatures, plants, microorganism and property;*
- v. **BECAUSE**, rampant excessive, illegal, unplanned and unsustainable mining being carried out by the Respondent

No.6 at plot bearing Killa No. 4//10, 11, 5, 6, 15, Village – Murthal, District – Sonipat, Haryana raises substantial question relating to the environment. That the Section 2 (1) (m) of the National Green Tribunal Act, 2010 defines the substantial question relating to environment which is reproduced as under:

2. Definitions. — (1) In this Act, unless the context otherwise requires, — (m) “substantial question relating to environment” shall include an instance where, —

(i) there is a direct violation of a specific statutory environmental obligation by a person by which, —

(A) the community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences; or

(B) the gravity of damage to the environment or property is substantial; or

(C) the damage to public health is broadly measurable;

(ii) the environmental consequences relate to a specific activity or a point source of pollution;

8. That the supporting Affidavit along with the present Supplementary Affidavit is annexed herewith.

FILED BY

THROUGH



**SAURABH RAJPAL & VINAY KUMAR SINGH
(ADVOCATES FOR THE APPLICANT)**

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Drawn On - 12.03.2025

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(Rs. Zero Only)

Deponent

Name : Sunil

H.No/Floor : Na

Sector/Ward : 28

Landmark : Dipalpur 28

City/Village : Dipalpur

District : Sonipat

State : Haryana

Phone : 94*****58



Purpose : AFFIDAVIT FOR BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH NEW DELHI to be submitted at The national green tribunal new delhi

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...RESPONDENTS

AFFIDAVIT

I, Sunil, S/o Rajvir Singh, Aged About 45 Years, R/o.- Dipalpur (28) Sonipat, Haryana -131021, do hereby solemnly affirm and declare as under:

1. That I am the Applicant in the accompanying Supplementary Affidavit and I am well conversant with the facts and circumstances of the case and thus competent to swear this affidavit.

- 2. That the accompanying Supplementary Affidavit have been drafted under my instructions, which I have read and understood. I further state that the averments made therein are true and correct to my knowledge and belief
- 3. That the Annexures filed along with the Supplementary Affidavit are true copy of their respective originals.

Sunil

DEPONENT

VERIFICATION 12 MAR. 2025

Verified at Sonipat on this 12 day of March 2025 that the contents of my aforesaid affidavit are true and correct to my knowledge and belief. No part of it is false nor anything material has been concealed therefrom.

Sunil

DEPONENT

SWORN BEFORE ME

ATTESTED *[Signature]*

NO ARY
DISTT. SONIPAT

12 MAR. 2025



EXECUTANT IDENTIFIED
BY SHRI. *[Signature]*