

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
ORIGINAL APPLICATION NO. 491/2022**

**IN THE MATTER OF:****ABHISHEK PANDEY****..... APPLICANT****VERSUS****MINISTRY OF ENVIRONMENT****FOREST AND CLIMATE CHANGE & ORS.****..... RESPONDENT(S)****INDEX**

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Date: 14.07.2026

Place: NOIDA

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**..... APPLICANT**

**VERSUS**

**MINISTRY OF ENVIRONMENT**

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**IT IS MOST RESPECTFULLY SHOWETH:**

1. That an original application 491 of 2022 was filed by the applicant (in original application) which pertains to the illegal excavation of sand from Son River by obstructing the river stream at Village Thatara, District Singrauli, Madhya Pradesh, by Respondent No. 17- M/s R.K Transport and Construction Limited.

2. That it is respectfully submitted that a status report dated 22.12.2023 on behalf of State of U.P. (**Refer Page No. 918 of the Judicial Record**) has already been submitted before this Hon'ble Tribunal detailing factual aspects and the observations made during the ground inspection.
3. **That this Hon'ble Tribunal vide order dated 03.04.2024, directed as under:**
  2. *“Learned Counsel appearing for the project proponent, Respondent No. 17 has referred to page 234 and page 921 of the paper book and has submitted that there is mismatch relating to the distance of mining site from the eco-sensitive zone of Kaimoor Wildlife Sanctuary”*
4. That pursuant to the aforesaid directions of this Hon'ble Tribunal, the issue raised regarding the mismatch of distance of mining site from the boundary of the Kaimoor Wildlife Sanctuary has been thoroughly examined and the response of behalf of Divisional Forest Officer, Kaimoor Wildlife Division, Mirzapur is submitted for kind perusal.

5. **That on Page 234 of the Judicial Record**, the revised certificate issued by the Mining Officer, Singrauli, Madhya Pradesh, refers to letter dated 16.05.2019 issued by the Divisional Forest Officer, (DFO) Mirzapur.
6. That in the said letter, it has been stated that the mining site lies at an aerial distance of 1740 meters and total distance of 1950 meters from the boundary of the Kaimoor Wildlife Sanctuary. That it is pertinent to mention that this is specifically measured from ID Point No. 119 as listed in the Notification dated 20.03.2017, which is not the nearest point on the boundary of Kaimoor Wildlife Sanctuary from the mining site.
7. That it is respectfully submitted that the Kaimoor Wildlife Sanctuary was declared by **Notification No. 908/14-3-44-78 dated 10.08.1982 (Refer Page No. 1156 of the Judicial Record)** issued by the State Government. The said notification contains a detailed schedule for describing the sanctuary's forest division, ranges, forest blocks, and geographical boundaries. That in the said notification, the southern boundary of the sanctuary is shown as passing along Son River, Kargara Block of Gurma Range, Kaimoor Hills and Belan River.

8. That thereafter, the Government of India, vide **Notification No. 891 (F. No-9-2/2010 WL-III) dated 20.03.2017, (Refer Page No. 1158 of the Judicial Record)** notified the Eco-Sensitive Zone (ESZ) of the Kaimoor Wildlife Sanctuary. That the Annexure I and Annexure II of this notification delineates the ESZ boundary with a map and specifically includes 173 GPS coordinates (ID points) which are located all along the sanctuary border. However, it is imperative to state that these 173 ID points are representative and not exhaustive of the entire sanctuary boundary.
9. The Eco- Sensitive Zone is defined in the notification as extending 1 kilometre from the actual Sanctuary boundary, not merely from the listed coordinates in Annexure II. Thus, in order to determine if a “site” lies inside/ outside the Eco-Sensitive Zone, (ESZ) its distance has to be measured perpendicular to the boundary of the sanctuary and not merely from any specific point.
10. That the letter dated 16.05.2019 refers to ID No. 119 from the 173 ID coordinates which is the nearest among the listed points in the Notification dated 20.03.2017. However, it is respectfully submitted that it does not correspond to the actual nearest point on the sanctuary boundary. That the actual distance of the mining site from the Kaimoor Wildlife Sanctuary must be measured perpendicular to the boundary of Kaimoor Wildlife Sanctuary

11. That upon accurate assessment based on the coordinates and location map **(google map imagery)**, it has been determined that the nearest distance between the mining site and the sanctuary boundary is approximately **386 meters. (Refer Page No. 1191 of the Judicial Record)**
12. Therefore, in view of Notification No. 891 dated 20.03.2017, which defines that the ESZ to extend upto 1 kilometre from the boundary, **it is categorically submitted that the entire mining site falls within the notified Eco-sensitive zone.**
13. **That on Page 921 of the Judicial Record,** the reply filed earlier on behalf of the State of Uttar Pradesh clearly affirms the following:  
*“g. Details of the boundaries of Kaimoor Wildlife Sanctuary and its eco-sensitive zone along with the GPS coordinates are annexed to the said notification. On the basis of these GPS coordinates, a KML file of the Eco-Sensitive Zone of Kaimoor Wildlife Sanctuary has been created. According to this KML file, the KML of the above GPS coordinates of the approved mineral site in village Thatara, Tehsil Chitrangi, District Singrauli (M.P) related to the above case is within the limits of the notified Ecological Sensitive Zone of Kaimoor Wildlife Sanctuary”*

14. That in light of the foregoing submissions, it is respectfully submitted that the present written submissions have been filed to place on record the factual and legal position in compliance with the directions of the Hon'ble Tribunal. The answering respondent has acted in good faith and taken all necessary measures within its jurisdiction. It is, therefore, prayed that the Hon'ble Tribunal may be pleased to take the same on record and pass such further orders as may be deemed fit and proper in the facts and circumstances of the case.

15. Hence, the above written submissions are filed for the kind perusal of this Hon'ble Tribunal.

***THROUGH COUNSEL***

A handwritten signature in blue ink, appearing to read 'Bpsjadon', with a long horizontal stroke extending to the right.

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