

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

IN

ORIGINAL APPLICATION NO. 100 of 2025

IN THE MATTER OF:

AMIT KUMAR YADAV

.... APPLICANT.

VS.

STATE OF U.P. & ORS.

.... RESPONDENT.

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DATED: - 28.05.2026

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1**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL****PRINCIPAL BENCH, NEW DELHI****IN****ORIGINAL APPLICATION NO. 100 /2025****IN THE MATTER OF:**

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.... APPLICANT.**VS.**

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.... RESPONDENT.**WRITTEN SUBMISSIONS ON BEHALF OF DISTRICT
MAGISTRATE RESPONDENT NO.3 (STATE OF UTTAR
PRADESH)**

- 1- That the applicant counsel in the above-mentioned matter during the course of arguments on 18.03.2026 submitted a brief note wherein certain misleading facts were placed before this Hon'ble Tribunal.
- 2- That the District Magistrate, District Hamirpur (State of Uttar Pradesh) has filed his Supplementary Affidavit dated 07.04.2026 commencing from page number 1053 wherein reply to the objections raised in the brief note dated 18.03.2026 was submitted.
- 3- That it is submitted the first objection raised by the applicant in the brief note was the DSR of District Hamirpur was appraised by the expert bodies (SEAC/SEIAA) without perusing the Replenishment Study.

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4- That it is submitted, that reply to the above-mentioned objection, the District Magistrate vide his supplementary affidavit dated 07.04.2026 in paragraphs (17-18 @ page 1060) has submitted as under:-

17- That it is further submitted that the Replenishment Study Report-2023 has been prepared in due compliance with the guidelines stipulated under the Sustainable Sand Mining Guidelines, 2016 (SSMG-2016) and the Enforcement and Monitoring Guidelines for Sand Mining, 2020 (EMGSM-2020), on the basis of empirical data collected during the said surveys.

18- That on the strength of the aforesaid Replenishment Study Report-2023, and after due examination and scrutiny by a duly constituted committee at the Government level, the District Survey Report (DSR)-2024 was prepared. It is pertinent to submit that the said committee comprised domain experts from the Department of Geology and Mining, Revenue Department, Irrigation Department, Forest Department, and Environment Department. Upon such scrutiny, the SEAC, in its meeting dated 10.10.2024, took a considered decision to approve the DSR-2024 in accordance with the applicable rules and guidelines.

5- That the second objection raised by the applicant was that DSR was approved by expert bodies (SEAC/SEIAA) in a hurried, casual, arbitrary and perfunctory manner without application of mind.

6- It is submitted that the reply to the aforesaid objection has been submitted in paragraphs 6 and 7 @ 1056-1057 wherein it has been specifically submitted that the SEAC held its meeting on 10.10.24 wherein the proposed DSR of District Hamirpur was considered and was subsequently recommended for approval to SEIAA.

6. That in the meeting of the State Expert Appraisal Committee (SEAC) held on 10.10.2024, the proposed District Survey Report (DSR) pertaining to District Hamirpur was duly considered and, upon completion of requisite investigations and thorough scrutiny of all relevant records and documents, was recommended for approval in accordance with the applicable statutory framework and governing guidelines.

7. That thereafter, in the meeting of the State Environment Impact Assessment Authority (SEIAA) held on 25.10.2024, the said recommendation was taken up for consideration, and a conscious and reasoned decision was arrived at to accord approval

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to the DSR in accordance with law, subject to incorporation of uniform Terms and Conditions governing sand/morrum mining areas, in strict adherence to the guidelines laid down under the Sustainable Sand Mining Guidelines, 2016 (SSMG-2016) and the Enforcement and Monitoring Guidelines for Sand Mining, 2020 (EMGSM-2020).

7- That the aforesaid fact is also recorded in the affidavit dated 24.03.2025 filed by the Member Secretary SEIAA UP commencing @674 in the connected matter titled as Vinay Srivastav v/s State of UP (Original Application 09/2025) in paragraphs 11 and 12 @ page 681 which is as follows:-

11. That in respect of District Hamirpur, the DSR was placed before the Joint Meeting of SEAC-1 and SEAC-2 on 10.10.2024 and after detailed deliberations, the Joint Committee recommended its approval. 12 That subsequently, the SEIAA, in its 849th Meeting dated 25.10.24 examined the recommendations of SEAC and ratified the DSR for District Hamirpur.

8- That the third objection raised by the applicant was DSR Permits in Submerged Water Areas which is per se illegal.

9- That it is submitted the reply to the aforesaid objection has been submitted in paragraphs 25-26 @ pages 1062-1063 which is reproduced as :-

25- *That it is pertinent to submit that the geomorphological condition of rivers is inherently dynamic in nature and undergoes continuous development, particularly after each monsoon season. Owing to such natural variability, the river may, at times, flow beyond its originally demarcated course, resulting in variations between the actual ground reality and the depiction in contemporaneous geo-imagery. Accordingly, minor variations between geo-images and field conditions are both expected and scientifically explicable.*

26- *That it is further submitted that, in District Hamirpur, a total of 183 mining areas were reflected in the District Survey Report-2017. Upon revision and in accordance with the applicable guidelines under SSMG-2016 and EMGSM-2020, 73 mining areas were excluded on account of being unsuitable for mining, inter alia due to waterlogging and other environmental considerations. Thereafter, 09 new mining areas were identified and incorporated, and consequently, the revised District Survey Report-2024 was prepared and duly approved by the competent authority.*

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10- That the other objection raised by the applicant is that mining of total quantity available has been permitted. It is submitted that the reply to the above-mentioned objection has been submitted by the District Magistrate in his supplementary affidavit in paragraphs 33- 36 @ page no 1065-1066 which is being reproduced herein as :-

- 33- ***That in this regard, it is clarified that Table No. 7.0 of the Replenishment Study Report-2023 has been prepared and presented strictly on the basis of the available mineable quantity as assessed through the Replenishment Study. Consequently, there arises no occasion or justification for treating or recalculating the said data as 60% thereof, inasmuch as the table itself reflects figures already confined to the mineable component.***
- 34- ***That it is further submitted that, for the sake of completeness and transparency, the detailed break-up reflecting 100% quantity, i.e., the Geological Reserve, as well as the corresponding 60% Mineable Reserve, has been duly incorporated and displayed in Table No. 8.0 of the Replenishment Study Report-2023. Thus, the report, read as a whole, clearly delineates both the total reserve and the permissible extractable portion in accordance with the governing norms.***
- 35- ***That it is pertinent to submit that, in terms of Rule 42(j) of the Uttar Pradesh Minor Mineral (Concession) Rules, 2021, mining is permissible only up to a maximum depth of 03 meters over the***

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total lease area. Accordingly, the Geological Reserve is determined by multiplying the total area of the mining block with the permissible depth of 03 meters.

36- ***That it is further submitted that the grant of mining lease is regulated in a conservative and sustainable manner, whereby extraction is permitted only up to 60% of the total Geological Reserve, as a measure of environmental prudence and in consonance with the applicable statutory framework.***

11-That it is further submitted that Annexure-V (Final List of Potential Mining Leases) of the DSR of 2024 of District Hamirpur which is annexed @ **page 475** of the instant Original Application wherein final quantity of Geological Reserve ***(Total excavation in tonnes)*** i.e. 100% and mineable reserve ***(Mineral to be mined)*** has been shown as 60% of the total geological reserve. The same quantity of 60% is given for auction)