

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW  
DELHI

O.A. No. 09 of 2025

**IN THE MATTER OF:**

Vinay Shrivastav

...Appellant

versus

State of Uttar Pradesh & Ors.

...Respondents

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RESPONDENT No.16  
THROUGH



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PLACE : NEW DELHI

BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW  
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O.A. No. 09 of 2025

Vinay Shrivastav

Vs. State of Uttar Pradesh & Ors.

**WRITTEN SUBMISSIONS ON BEHALF OF RESPONDENT NO.16**

May it please this Hon'ble Tribunal:

1. That the present Original Application has been filed by the Applicant challenging the District Survey Report (DSR) prepared for District Hamirpur, Uttar Pradesh and also seeking quashing of the E-Tender cum E-Auction Notice dated 09.11.2024 issued by the District Magistrate, Hamirpur for grant of mining leases.
2. That the answering Respondent No.16, namely M/s Ras India Private Limited, is a bona fide company engaged in lawful mining activities and has participated in the e-auction process conducted by the State Authorities strictly in accordance with law. Pursuant to the aforesaid e-auction process, Respondent No.16 emerged as the highest bidder and was accordingly declared successful. Consequently, a Letter of Intent dated 27.12.2024 was issued in favour of Respondent No.16 by the District Mining Officer, Hamirpur for grant of mining lease over an area admeasuring 36.47 hectares in Block No. 24/18, Plot No. 14/12, Village Chikasi, Tehsil Sarila, District Hamirpur for extraction of sand/gravel for a period of 5 years.
3. That in pursuance of the said Letter of Intent, Respondent No.16 has deposited a sum of Rs. 18,08,44,120/- with the Government of Uttar Pradesh towards lease obligations and statutory compliances. Apart from the aforesaid amount, Respondent No.16 has also incurred substantial expenditure towards infrastructure, machinery, manpower and other arrangements necessary for commencement of lawful mining operations. After completion of all statutory formalities, Environmental Clearance dated 09.02.2026 was granted in favour of Respondent No.16 by the competent authority and thereafter Consent to Operate was also issued on 27.02.2026 by the Uttar Pradesh Pollution Control Board.
4. That only after obtaining all requisite statutory permissions and environmental approvals, Respondent No.16 commenced mining operations strictly in accordance with the conditions stipulated in the Environmental Clearance, Consent to Operate and other statutory permissions. However, the mining operations of Respondent No.16 have come to a standstill due to the interim order dated 17.04.2026 passed by this Hon'ble Tribunal.
5. At the outset, Respondent No.16 adopts and supports the submissions advanced by the State of Uttar Pradesh as well as SEIAA with regard to the validity of the

District Survey Report (DSR), replenishment study and the consequential auction process.

6. One of the principal contentions raised by the Applicant is that the DSR allegedly permits mining of the entire quantity available in the lease area and therefore the same is environmentally unsustainable. The said contention is wholly misconceived, factually incorrect and misleading. It is respectfully submitted that the Environmental Clearance itself clearly demonstrates that the permissible annual production is substantially lower than the total mineable quantity available in the lease area. As per the Environmental Clearance dated 09.02.2026:
  - a. The sanctioned lease area mentioned at Sr. No.13 is 36.437 hectares;
  - b. Applying the prescribed quantity factor, the total quantity available comes to approximately 10,93,110 cubic meters;
  - c. However, the proposed annual production mentioned at Sr. No.19 of the Environmental Clearance is only 5,82,992 cubic meters.
7. Thus, the permitted annual extraction quantity is merely about 53% of the total available quantity, which is well below the permissible limit of 60%. Therefore, the allegation of the Applicant that the authorities have permitted extraction of the entire available mineral quantity is demonstrably false and contrary to the record itself.
8. It is respectfully submitted that the Environmental Clearance granted in favour of Respondent No.16 has been issued after due appraisal by the competent environmental authorities, consideration of the DSR, replenishment study and applicable statutory framework. The Applicant cannot be permitted to assail the same on vague, generalized and unsubstantiated allegations. It is further submitted that Respondent No.16 has acted bona fide throughout and has undertaken mining operations only after obtaining all mandatory statutory approvals. The answering Respondent has neither violated any condition of Environmental Clearance nor carried out any illegal mining activity.
9. It is pertinent to mention that out of all successful bidders in the district auction process, Environmental Clearance has been granted only to four project proponents, including Respondent No.16. The grant of Environmental Clearance itself demonstrates that the competent environmental authorities, after due scrutiny and scientific appraisal, found the concerned leases environmentally viable and legally permissible. In these circumstances, the lease holders in whose favour Environmental Clearance and Consent to Operate have already been granted stand on a different footing and deserve protection, particularly when they have altered their position, invested huge amounts and commenced lawful operations pursuant to valid statutory permissions.
10. It is respectfully submitted that if the entire DSR and replenishment exercise is interfered with or set aside at this stage, **the process would necessarily have to**

**be undertaken afresh and the same would consume a substantial period of time. In practical terms, fresh mining operations cannot commence before approximately 1½ to 2 years.** The replenishment study itself requires both pre-monsoon and post-monsoon assessment and the same cannot realistically be completed before November, 2026. Thereafter, approximately six weeks would be required for preparation and finalization of the replenishment study and DSR. Subsequently, the matter would require consideration before SEAC, which itself may consume approximately six weeks, followed by another six weeks before SEIAA for appraisal and grant of approval. It is further submitted that after the aforesaid stages, the District Magistrate would be required to place the matter on the public portal for approximately one month, followed by the process of fresh auction, which would consume another month. Thereafter, preparation and approval of mining plans would require approximately one month. Even after completion of the aforesaid formalities, the process for obtaining Environmental Clearance itself ordinarily takes around six months, followed by at least one month for obtaining Consent to Operate from the Pollution Control Board. By that stage, the rainy/monsoon season would again commence, thereby further delaying actual mining operations. Thus, any direction for fresh exercise at this stage would effectively result in complete stoppage of lawful mining activities for nearly 1½ to 2 years, causing grave prejudice not only to the lease holders but also resulting in acute shortage of construction material in the region.


11. Apart from causing prejudice to lawful lease holders, stoppage of mining activities would also adversely impact public interest by resulting in acute shortage of sand and other construction material in the district and surrounding areas, thereby affecting infrastructure and development activities. It is a settled principle of law that where parties have acquired vested rights pursuant to lawful statutory procedures and have acted upon governmental representations by making substantial investments, such rights ought not to be lightly disturbed, particularly in the absence of any fault of such parties.
12. Without prejudice to the rights and contentions of Respondent No.16 and while fully supporting the validity of the DSR and replenishment study, it is respectfully submitted that even in the event this Hon'ble Tribunal deems it appropriate to direct any reconsideration or fresh exercise regarding the DSR/replenishment study, the lease holders in whose favour Environmental Clearance and Consent to Operate have already been granted, including Respondent No.16, ought to be permitted to continue mining operations in the interregnum subject to compliance with environmental safeguards and statutory conditions.
13. It is respectfully submitted that such protection has also been granted by the Hon'ble Supreme Court of India in many cases including in the case of Pawan Kumar Vs. State of Bihar & Ors., wherein the Hon'ble Supreme Court permitted

continuation of operations during the interregnum so as to balance environmental concerns, public interest and the vested rights of parties who had already obtained statutory permissions and made substantial investments. Such a course would appropriately balance environmental concerns, public interest and the vested rights of bona fide lease holders who have already obtained all statutory approvals and invested substantial amounts pursuant thereto.

In view of the aforesaid facts and circumstances, the present Original Application deserves to be dismissed and the respondent No.16 and similarly situated lease holders, in whose favour Environmental Clearance and Consent to Operate have already been granted, may be permitted to continue mining operations subject to compliance with statutory and environmental conditions.

RESPONDENT No.16  
THROUGH

Place: New Delhi  
Filed on: 27.05.2026

  
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