

Item No. 07

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 591/2023
(I.A. Nos. 744/2023 & 745/2023)

Satish

Applicant

Versus

Ministry of Environment, Forest
and Climate Change & Ors.

Respondent(s)

Date of hearing: 28.10.2025

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Narender Pal Singh & Mr. Rahul Khurana, Advs. for Legal Aid
Committee, NGT Bar Association

Respondent: Mr. Damanpreet Singh, proxy counsel for Ms. Priyanka Swami, Adv. for
SEIAA, UP
Mr. Purushottam Sharma Tripathi, Adv. for MoEF & CC (Through VC)
Mr. Ankit Verma, Adv. for the State of UP (Through VC)

ORDER

1. In this Original Application (OA), applicant has alleged that in the impugned advertisement dated 20.06.2021 District Magistrate, Sidharthnagar had declared the area at Gata No. 259Ga, 258Ga and 258Kha of village Chivarahiya, Tehsil Naugarh, District Sidharthnagar admeasuring 2.32 hectare incorrectly without carrying out the spot inspection. The allegation was that the area advertised had different geo-coordinates contrary to the area for which the mining plan was approved, Environmental Clearance (EC) was issued and Lease Deed was executed. Therefore, the applicant had taken the plea that illegal mining was done by the Respondent No. 7 contrary to the Rules.

2. The SEIAA, UP had filed the reply dated 01.05.2024 taking the stand that the geo-coordinate mentioned in the earlier EC dated

14.12.2021 were incorrect therefore corrected EC dated 20.02.2024 was issued mentioning the correct geo-coordinates.

3. The Tribunal in the proceeding dated 16.08.2024 had taken note of stand of SEIAA that in the meeting of the SEAC dated 16.10.2023 the earlier EC dated 14.12.2021 was put in abeyance. Therefore, the Tribunal on 16.08.2024 had directed the Respondent No.3 to find out and disclose if any mining on the basis of the EC dated 14.12.2021 was done till 16.10.2023 in the area which was not mentioned in the advertisement dated 20.06.2021.

4. The reply of the Respondents No. 3 and 4 dated 15.07.2025 reveals as under:-

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xxx

8. *That on correlating revenue and cadastral records, the approved mining plan, and GPS readings recorded during joint inspections held on 06-11-2024 and 16-11-2024, the District-level committee certified that no extraction was undertaken, at any time from the grant of the EC on 14-12-2021 until it was kept in abeyance on 16-10-2023, beyond the Gata Nos. 259 Ga, 258 Ga and 258 Kha advertised on 20-06-2021; consequently, no mining occurred in any area now excluded by the amended coordinates of 20-02-2024.*

9. *That the Committee further observed that the latitude-longitude values printed in the original Environmental Clearance were found to be inaccurate when verified on the ground. Consequently, the lease area was physically marked out only by its revenue plots-Gata Nos. 259 Ga, 258 Ga and 258 Kha. A fresh survey then fixed the correct corner points, which were later incorporated into the amended Environmental Clearance dated 20-02-2024, as follows:*

A-27° 23' 10.00" N, 83° 15' 12.50" E B-27° 23' 09.70" N, 83° 15' 09.70" E C-27° 23' 00.20" N, 83° 15' 06.80" E D-27° 23' 00.60" N, 83° 15' 09.10" E.

10. *That the EC-identification particulars are: EC Identification No. EC21B001UP153109 dated 14-12-2021 for ordinary sand mining over 2.32 ha in Village/Ghat Chivarahiya, Tehsil Naugarh, District Siddharthnagar; and the mining lease in favour of Shri Sunil Kumar Jaiswal (Respondent No. 7) was executed on 03-01-2022 for the identical 2.32 ha block.*

11. That pursuant to a representation of the lessee dated 20-12-2024, the District Magistrate cancelled the mining lease by Order No. 436/Mining-Assistant/2024-25 dated 02-01-2025, and field verification confirms that the mine is presently closed and non-operational.

12. That on behalf of Respondent No. 3, a reply-cum-affidavit dated 01-05-2024 already stands filed in the present O.A. and is relied upon for all antecedent facts and documents. Copy of the Reply-cum-Affidavit dated 01-05-2024 is annexed herewith as ANNEXURE-7.

13. That in view of the foregoing, it is respectfully submitted that (i) no mining was carried out in any unauthorised or unadvertised area up to 16-10-2023, and (ii) the EC particulars together with the lease details and subsequent cancellation have been fully placed on record for the kind consideration of the Hon'ble Tribunal."

5. In the above reply, it has been clearly stated that no mining was carried out in any authorised and unadvertised area upto 16.10.2023.

6. The Respondent No. 6-District Magistrate, Sidharthnagar has also filed reply dated 18.08.2025 disclosing as under:-

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xxx

xxx

7. That the lessee applied for surrender on 20.12.2024 and the lease was cancelled by order No. 436/Mining Assistant/2024-25 dated 02.01.2025, annexed as ANNEXURE-8.

8. That with regard to the applicant's allegation concerning incorrect geo-coordinates, it is respectfully submitted that although the EC dated 14.12.2021 mentioned different coordinates, the physical demarcation was carried out only on the plots notified in the tender and no mining was conducted outside this demarcated lease area. This is consistent with the principle in *M/s K & S Mines v. State of U.P.*, Allahabad High Court, 16.07.2024, para 12, wherein it was held that "the lessee is obliged to ensure demarcation of the lease area and mining beyond such limits constitutes a breach warranting enforcement action." In the present case, official demarcation was ensured before commencement of mining and was scrupulously adhered to."

7. The above reply also clearly states that though in the EC dated 14.12.2021 different coordinates were mentioned but no mining has been conducted outside the demarcated leased area and lease itself has been cancelled on 02.01.2025.

8. In view of the above, no further action in this OA is required which is accordingly disposed of.

9. All pending IAs also stand disposed of.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

October 28, 2025
Original Application No. 591/2023
(I.A. Nos. 744/2023 & 745/2023)
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