

Item No. 10

Court No. 1

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

Original Application No. 412/2023
(IA No. 603/2023, IA No 602/2023)

Pradeep Kumar Shukla

Applicant

Versus

Ministry of Environment Forest
and Climate Change & Ors.

Respondent(s)

Date of hearing: 03.07.2024

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

Applicant: Ms. Ruchir, Ms. Pallavi Pratap & Ms. Kinjal Aggarwal, Advs. for Applicant
(Through VC)

Respondent: Ms. Suhasini Sen & Ms. Surbhi, Advs. for MoEF&CC
Mr. Arvind Kumar & Mr. Ankit Kumar Vats, Advs. for UPPCB (Through
VC)
Mr. Mukesh Verma, Adv. for the Mining Department, State of UP
(Through VC)
Ms. Priyanka Swami, Adv. for SEIAA, UP (Through VC)

ORDER

1. In this original application, the allegation is of commercial mining activity permitted to the private agricultural land holders during the monsoon season by granting mining lease/permits.

2. The Tribunal by order dated 21.09.2023 had constituted a Joint Committee and had considered the report of the Joint Committee dated 22.12.2023. On 18.03.2024, the Tribunal after considering the reply of the MoEF&CC dated 14.03.2024 had directed as under:

“xxxxxx.....xxx

3. Counsel for the MoEF&CC seeks time to clarify if the farmers are permitted to sell the sand removed from the flood deposits on agricultural fields and what is proposed action to curb the illegal mining on agricultural fields in the garb of removal of flood deposits. She also seeks time to examine and address on the issue as to how

such an activity of removal of sand from agricultural field is excluded from the judgment of Hon'ble Supreme Court in the matter of Deepak Kumar v. State of Haryana.

2. *She has also submitted that in OA No. 481/2023, in the matter of Balbir Sandhu & Ors. vs. State of U.P. & Anr., a Committee has been constituted which is going into several issues including the issue of mining on agricultural fields and the report of the Committee is expected in a short while which will be placed on record along with next report of the MoEF&CC.*

3. *Hence, we grant three weeks' time to MoEF&CC to file the fresh report."*

3. No report in terms of the above direction of the Tribunal has been filed by the MoEF&CC till now.

4. Learned Counsel appearing for MoEF&CC seeks two weeks' time to file the fresh report. In the fresh report, the MoEF&CC will also disclose the issue of feasibility of including mining on such agricultural lands in the District Survey Reports.

5. List on 28.08.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 03, 2024
Original Application No. 412/2023
(IA No. 603/2023, IA No 602/2023)
DV