

Item No. 13

Court No. 1

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

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

Satish

Applicant

Versus

Ministry of Environment, Forest
and Climate Change & Ors.

Respondent(s)

Date of hearing: 23.07.2025

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

Applicant: Mr. Rahul Khurana, Adv. for Legal Aid Committee, NGT Bar Association

Respondent: Ms. Priyanka Swami, Adv. for SEIAA, UP
 Mr. Purushottam Sharma Tripathi, Adv. for MoEF & CC (Through VC)

ORDER

1. In this original application, the Applicant had raised the grievance that the Gata Nos. No. 259Ga, 258Ga and 258Kha of Village Chivarahiya, Tehsil Naugarh, District Siddharthnagar admeasuring 2.32 hectare were declared by the District Magistrate, Siddharthnagar for mining without prior spot inspection and the advertisement dated 20.06.2021 was issued mentioning the incorrect geo-coordinates. The EC dated 14.12.2021 (page 201) undisputedly mentions the geo-coordinates different from the one which were advertised. The plea of the State Level Environment Impact Assessment Authority (SEIAA), UP is that the EC was kept on abeyance on 16.10.2023 and the geo-coordinates were amended on 20.02.2024.

2. In this background, the Tribunal by the order dated 16.08.2024 had directed as under:

“xxxxxx.....xxx
2. *Learned Counsel for Respondent No. 3 referring to paragraph 9 of the reply of SEIAA has submitted that in the meeting of the SEAC dated 16.10.2023, the EC dated 14.12.2021 was put in abeyance. Respondent No. 3 is directed 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 and are not part of the amendment dated 20.02.2024. Let the further report in the form of affidavit be filed by Respondent No. 3 within four weeks. Respondent No. 3 will also disclose the details of EC identification and the details of the area which was mentioned in the lease deed executed in the favour of Respondent No. 7.”*

3. The details of mining of operations by the project proponent on the basis of the incorrect geo-coordinates mentioned in the original EC dated 14.12.2021 have not been placed on record. So far as the so-called amendment in the EC by the order dated 20.02.2024 (page 829) is concerned, the said order of the SEIAA, UP only mentions about the recommendations of the SEAC to amend the G.O., but it does not specifically state that the said recommendation was accepted and EC was amended or amended EC was issued.

4. Learned Counsel appearing for SEIAA, UP submits that the details concerning the mining on the basis of earlier unamended EC must be available with the District Magistrate, Siddharthnagar. Therefore, Respondent No. 6, District Magistrate, Siddharthnagar is directed to place on record the details of mining and the area on which the mining has been done by the Respondent No. 7, project proponent after issuance of the EC dated 14.12.2021 till it was kept in abeyance on 16.10.2023. Let the report in the format of affidavit be filed by the District Magistrate, Siddharthnagar within four weeks.

5. Office is directed to send a copy of this order alongwith the notice to the District Magistrate, Siddharthnagar.

6. List on 28.10.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

July 23, 2025
Original Application No. 591/2023
(I.A. Nos. 745/2023 & 744/2023)
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