

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

Original Application No. 643/2023

(Through Physical Hearing with Hybrid VC Option)

Rajesh Kumar

...Applicant

Versus

State of Uttar Pradesh & Ors.

...Respondents

Date of Order: 25.07.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for the applicant.

Respondents: None for the respondents.

Application is registered based on a letter petition received by Post.

ORDER

1. Mr. Rajesh Kumar has sent by post the present letter petition to this Tribunal, which has been treated and registered as O.A. No. 643/2023, seeking issuance of directions to the project proponent-M/s. Bina Project, NCL (A subsidiary of coal India Limited) to remediate damage caused to environment due to regular burning of coal stock of deshelling plant near deshelling plant yard of above said project.

2. Vide order dated 02.01.2024 this Tribunal constituted a Joint Committee with direction to verify the factual position and submit its report and ordered issuance of notices to State of Uttar Pradesh, the District Magistrate, Sonbhadra, Uttar Pradesh Pollution Control Board (UPPCB),

and Managing Director, Bina Project, NCL, District Sonbhadra, Uttar Pradesh impleaded as respondents no. 1 to 4.

3. Report of the Joint Committee was filed vide email dated 19.02.2024. Reply by respondent no. 4 was also filed vide email dated 19.02.2024.

4. Arguments were heard and Judgment was reserved vide order dated 22.02.2024. While going through the material on record we find that in its report the Joint Committee had mentioned that show cause notice has been issued by UPPCB to respondent no. 4 for imposition of environmental compensation for defaulting period but UPPCB has not filed any response.

5. In its report the Joint Committee has made recommendations to be implemented by respondent no. 4. Before passing of any order for implementation of the recommendations of the Joint Committee by Respondent no. 4, opportunity has to be given to respondent no. 4 for filing objections against the said recommendations if so desired.

6. The applicant has claimed to have sent videos showing the gravity of incidents of fire but the videos have not been placed before the Bench. The videos are required be looked into to assess the gravity/magnitude of the incidents of fire.

7. Respondent no. 4 submitted reply dated 15.02.2024 to the Joint Committee that smoke was seen on 04.06.2023 and was controlled with the help of Fire Fighting Team on 09.06.2023. Relevant record regarding the said incident has not been produced by respondent no. 4.

8. In these facts and circumstances further hearing in the matter is required for just and proper adjudication of the questions involved in the

original application. Accordingly the case is ordered to be relisted for further hearing.

9. None has appeared for the applicant and the respondents today.

10. List on 12.09.2024 for further hearing.

11. The applicant and respondents/learned Counsel for the respondents be informed about the date of hearing fixed by way of email/whatsApp message.

12. The Registry is directed to trace out any video clips sent by the applicant alongwith the application and place the same on record. In the eventuality of the same being not traceable, the Registry may contact the applicant with the request to send the video clips to this Tribunal again at least one week before the date of hearing fixed.

13. The applicant and respondent no. 4 may file objections to the report of the Joint Committee, if so desired, by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF, at least one week before the date of hearing fixed.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

July 25th, 2024
AG