

Item No. 02

Court No. 1

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

Original Application No. 284/2023
(I.A. No. 270/2023)

Anuj Singh

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 19.04.2023

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

Applicant: Mr. Vanshdeep Dalmia & Ms. Anisha Jain, Advocates

ORDER

1. Grievance in this application is against violation of environmental norms in undertaking mining by Respondent Nos. 8 and 9, Vipul Tyagi and M/s J.S. Enterprises in Banda District, UP. Violations alleged are that mining is being done in submerged water area, extent of mining has been allowed to the extent of entire available mineral, including replenished mineral, whereas permissible mining is only to the extent of 60%.

2. The applicant has referred *inter-alia* to judgment of the Hon'ble Supreme Court in *Deepak Kumar vs. State of Haryana*, 2012 (4) SCC 629, Sustainable Sand Mining Guidelines, 2016 [SSMG, 2016] and Enforcement & Monitoring Guidelines for Sand Mining [EMGSM], 2020.

He has given following table of information about quantity permitted to be mined:-

3. “Table

SNO.	DETAILS OF MINE	AVAILABL E QUANTITY PRE-MONSOON	REPLENISHE D QUANTITY (CUM)	TOTAL AVAILABLE QUANTITY (CUM)	TOTAL QUANTITY PERMITTED TO BE MINED
1	Gata No. 176 Mi, 172, 182, 187, Tehsil Pailani, District Banda admeasuring 25.29 ha. (Allotted in favour of Respondent No.8)	166332	125186	291518 (At Serial No. 107 of Chart)	291518 (vide order dated 25.01.2023 by the District Magistrate, Banda)
2	Gata No. 100 (Part of Khand No. 3), admeasuring 16 ha. (Allotted in favour of Respondent No.9)	194044	45888	239932 (At serial No. 72 of Chart)	239932 (Vide order dated 27.01.2023 by the District Magistrate, Banda)

4. The EMGSM, 2020 *inter-alia* provide as follows:-

“4.3 Mining Plan

xxx.....xxx.....xxx

Following considerations shall be kept in mining for sand/gravel mining while approving mining plan

xxx.....xxx.....xxx

r).....**In general, the area for removal of minerals shall not exceed 60% of the mine lease area, and any deviation or relaxation in this regard shall be adequately support by the scientific report.”**

5. In view of above, we find it necessary to require a joint Committee of SEIAA, UP, State PCB and District Magistrate, Banda to verify factual position and take remedial action, following due process of law. State

PCB will be the nodal agency for coordination and compliance. An action taken report may be filed within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. Copy of the report may also be provided to the Project Proponent for their comments, if any, before the next date. The report may inter alia specify extent of permissible mining with reference to Replenishment Study/DSR and the post mining environment restoration plan.

List for further consideration on 19.07.2023.

A copy of this order be forwarded to SEIAA, UP, State PCB and District Magistrate, Banda by e-mail for compliance.

The applicant may serve a set of papers on SEIAA, UP, State PCB and District Magistrate, Banda and respondents 8 and 9 and file affidavit of service within one week.

I.A. No. 270/2023 for interim relief cannot be entertained at this stage and will stand disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

April 19, 2023
Original Application No. 284/2023
(I.A. No. 270/2023)
SN