

Item No.2

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No.521/2022
(I.A. No. 656/2023, I.A. No. 673/2023, I.A. No. 679/2023
I.A. No. 798/2023 & I.A. No. 799/2023)

Sampurna Nand

...Applicant

Versus

State of U.P. & Ors.

...Respondents

Date of hearing: 12.03.2024

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

Applicant: Mr. Pramod Kumar, Advocate with Applicant.

Respondents: Mr. Gi. Gi. C George, Advocate for respondent no. 1-
State of U.P.
Mr. Pradeep Misra, Advocate for respondent no. 3-
UPPCB (through VC).
Ms. Deeksha L. Kakar, Mr. Rashneet Singh, Advocates
for respondents no. 5, 6, 8, 11, 14, 18, 19, 20, 21, 22,
23, 24, 25, 26, 30, 31, 33, 37, 42, 43, 46, 49, 50, 55,
56, 59, 61, 64, 65, 66, 67, 68 and 69.

Mr. Sujeet Kumar, Advocate for respondents No. 7 and
52.
Mr. Alok Kr. Singh and Mr. Ivan, Advocates for
Respondent No. 10.
Mr. Ayush Mishra, Advocate for respondents no.12, 15,
16, 28, 29, 40 and 53.
Mr. I.K. Kapila, Sujeet Kumar and Mr. Prakash
Gautam, Advocates for respondents no. 32, 39, 54 and
62.
Mr. Utkarsh Sharma and Mr. Sharad Chauhan,
Advocates for respondents no. 34, 35, 51 and 57.

Ms. Akansha Choudhary, Mr. A. Renganath and Mr. Kanchan Kumar, Proxy Counsel for Respondent No.47-PNC Infratech.

Ms. Mala Srivastava, Director, Geology & Mining, Uttar Pradesh. (Through VC)

Ms. Priyanka Nirajan, District Magistrate and Mr. Shiv Pratap Shukla, ADM, Mirzapur (Through VC).

Mr. Umesh Kumar Gupta RO, UPPCB, Sohnbadra.

None for the respondents no. 4, 9, 13, 17, 27, 36, 38, 41, 45, 48, 58, 61, 63.

Application is registered based on a Letter Petition received by Post.

ORDER

1. The grievances in the application are regarding illegal mining in the area of villages Bhagoti Dei, Sonpur, Biyahur and Chakjata, Pargana Bhagwat, Police Station Ahraura, Tehsil Chunar, District Mirzapur, Uttar Pradesh by illegal blasting and taking out of boulder, patia, gitti etc. causing damage to environment and health hazards to local villagers.

2. Vide order dated 01.09.2022 this Tribunal constituted a Joint Committee with direction to submit its Factual and Action taken report. In compliance thereof report of the Joint Committee was filed vide email dated 03.02.2023.

3. Vide order dated 27.04.2023 the Joint Committee was directed to undertake requisite visits to each of the 26 stone crushers, verify the factual position regarding compliance with consent conditions and submit its report and State of Uttar Pradesh, through its Chief Secretary, Director, Directorate of Mining and Geology, Uttar Pradesh, State PCB and all the project proponents were impleaded as respondents no. 1 to 43 and notices were ordered to be served on respondents no. 4 to 43-the Project Proponents.

4. Report of the Joint Committee was filed vide email dated 14.07.2023. Vide order dated 26.09.2023 all the 26 stone crushers were impleaded as respondent no. 44 to 69.

5. Vide order dated 08.01.2024 personal appearance of the Director, Directorate of Geology and Mining, Uttar Pradesh, the District Magistrate, Mirzapur and the Regional Officer, UPPCB Regional Office, Mirzapur **(Physically or through VC)** was ordered.

6. In compliance thereof Ms. Mala Srivastava, Director, Geology and Mining, Uttar Pradesh, Ms. Priyanka Niranjana, District Magistrate, Mirzapur and Mr. Shiv Pratap Shukla, ADM, Mirzapur have appeared before this Tribunal through VC and Mr. Umesh Kumar Gupta, RO, UPPCB, Sohnbadra has appeared before this Tribunal physically and we have interacted with them.

7. In its report the Joint Committee had recommended re-evaluation of leases found operational approximately 500 to 600 meters close to Jargo dam and for constitution of Expert Committee and remedial action of declaring buffer zone and prohibiting mining within buffer zone. Ms. Mala Srivastava, Director, Geology and Mining, Uttar Pradesh, Ms. Priyanka Niranjana, District Magistrate, Mirzapur have submitted that committee has been constituted but its report is still awaited. Other recommendations of the Joint Committee are also yet to be carried out and Ms. Mala Srivastava, Director, Geology and Mining, Uttar Pradesh, Ms. Priyanka Niranjana, District Magistrate, Mirzapur seek time to look into the aspects and file action taken reports.

8. Action taken reports be filed by Ms. Mala Srivastava, Director, Geology and Mining, Uttar Pradesh and Ms. Priyanka Niranjana, District Magistrate, Mirzapur within one month 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.

9. In its report the Joint Committee made observations regarding environmental violations with respect to each of the Project Proponents and responses were filed by the concerned official respondents and Project Proponents.

10. Objections to the Joint Committee report have been filed by respondents no. 49, 61, 69 vide emails dated 17.02.2024. Letter has been filed by respondents no. 5, 23 and 42 vide emails dated 17.02.2024. Objections to the Joint Committee report has been filed respondents no. 50, 55, 56, 65, 66 vide email dated 19.02.2024.

11. Report has been filed by UPPCB vide email dated 19.02.2024. Additional Compliance reports have been filed by respondents no. 57 and 51 vide emails dated 20.02.2024. Report has been filed by District Magistrate, Mirzapur vide email dated 20.02.2024. Response has been filed by respondent no. 4 vide email dated 20.02.2024. Additional information has been filed by UPPCB vide email dated 07.03.2024. Compliance report has been filed by M/s. Maa Shital Stone, Mirzapur vide email dated 11.03.2024.

12. Due to the number of the Project Proponents impleaded as respondents no. 4 to 69 being large it becomes difficult to properly correlate the observations made in the report of the Joint Committee regarding environmental violations and the submissions made by the official respondents and also the responses filed by the concerned Project Proponents.

13. In these facts and circumstances we consider it to be appropriate as well as convenient that the cases against each of the Project Proponents are separated and are separately registered as original applications and separate proceedings are conducted for considering the question of environmental

violations, verifying compliance and taking remedial measures against each of the Project Proponents separately.

14. In view of the above the Registry is directed to separate case against each of the Project Proponents impleaded as respondents no. 4 to 69 by preparing Photostat copies of the relevant records and registering separate original applications by treating the present original application as case against respondent no. 4 and preparing and registering 65 other cases against remaining 65 Project Proponents (regarding Mining).

15. O.A. No. 521/2022 and remaining 65 cases so prepared and registered be put up on 25.04.2024.

16. It may be observed here that none has appeared for respondents no. 4, 9, 13, 17, 27, 36, 38, 41, 45, 48, 58, 61, 63. Notices be issued to the respondents no. 4, 9, 13, 17, 27, 36, 38, 41, 45, 48, 58 and 63 again requiring them to file their reply/responses at least one week before the date of hearing fixed in this case 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.

17. Initially this Tribunal had passed interim injunctive order restraining mining/stone crushing but the orders were modified and lastly this Tribunal passed the order dated 17.10.2023 permitting the Project Proponents to operate as mentioned therein.

18. The aspects of compliance with EC/CTO conditions by the mining lease holders and CTO conditions by Stone Crushers need to be verified and in case of violations remedial action is required to be taken.

19. The UPPCB vide letter dated 07.03.2024 has filed additional information wherein, it is stated that closure order has been issued on 19.02.2024 for the closure of 21 stone crushers and 40 mining leases for non-compliance of consent/EC conditions.

20. All the Project Proponents of Stone Crushers are directed to file their compliance reports in response to the reports of the Joint Committee, UPPCB and District Magistrate, Mirzapur with details of action taken/contemplated for the compliance of consent conditions as applicable to them within one month 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 and sent copy thereof to the Regional Officer, UPPCB who shall verify the compliance and file verification report before this Tribunal. UPPCB shall take appropriate remedial action regarding closure/revocation of closure on the basis of such verification of non-compliance/compliance by the concerned Project Proponents.

21. All the Project Proponents of mining leases are directed to file their compliance reports in response to the reports of the Joint Committee, UPPCB and District Magistrate, Mirzapur with details of action taken/contemplated for the compliance of consent conditions as applicable to them within one month 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 and sent copy thereof to the Member Secretary, UPPCB. In view of complexity of the issues involved regarding compliance of environmental clearance/consent conditions imposed on the lease holders, we consider it appropriate to constitute a committee comprising of Member Secretary, UPPCB as Chairperson, representative of SEIAA, Lucknow and representative of Principal Secretary, Irrigation and Water Resources

Department, Government of Uttar Pradesh as Members for examining/assessment/ verification of the compliance reports filed by the Project Proponents of the mining leases regarding compliance with the environmental clearance and consent conditions imposed by SEIAA and UPPCB. The Director Mining and Geology, Uttar Pradesh shall take remedial action for cancellation/modification of the leases which are found close to Jargo Dam and UPPCB shall take action regarding ordering of closure/revocation of closure in view of non-compliance/compliance with the EC and consent conditions. The SEIAA will be the nodal agency for coordination and compliance in this regard.

22. List for further consideration on 25.04.2024.

23. A copy of this order be sent to Member Secretary, UPPCB, Member Secretary, SEIAA, Lucknow, Principal Secretary, Irrigation and Water Resources Department, Government of Uttar Pradesh, Director, Geology and Mining, Uttar Pradesh and District Magistrate, Mirzapur by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

March 12th, 2024
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