

Item No.5

(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 order: 07.05.2024

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

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

ORDER

1. It has been brought to our notice that in order dated 25.04.2024 the date of order was wrongly written as 'March 12th, 2024' instead of 'April 25th, 2024' due to inadvertent typographical mistake which is ordered to be corrected as 'April 25th, 2024' accordingly.

2. Correction be made in order dated 25.04.2024 and also in copy of the order uploaded on the website accordingly.

Arun Kumar Tyagi, JM

Dr.Afroz Ahmad, EM

May 07th, 2024
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Sampurna Nand

...Applicant

Versus

State of U.P. & Ors.

...Respondents

Date of hearing: 25.04.2024

**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. Mukesh Verma, Advocate for Respondent No. 2 –
Director Mining.
Mr. Pradeep Misra, Advocate for respondent no. 3-
UPPCB (through VC).

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

ORDER

1. The grievances in the present Original 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.

3. In compliance thereof report of the Joint Committee was filed vide email dated 03.02.2023.

4. 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.

5. Report of the Joint Committee was filed vide email dated 14.07.2023.

6. Vide order dated 26.09.2023 all the 26 stone crushers were impleaded as respondent no. 44 to 69.

7. 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.

8. This Tribunal observed in its order dated 12.03.2024 that due to the number of the Project Proponents impleaded as respondents no. 4 to 69 being large it became 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.

9. This Tribunal considered it to be appropriate that the cases against each of the Project Proponents are separated and separately registered as original applications so that separate proceedings are conducted for

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

10. Accordingly vide order dated 12.03.2024, the Registry was 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 and stone crushers). But due to inadvertent mistake separate cases have been registered against all the project proponents and respondent no. 4 has been made Respondent No.1 in Original Application Number 408 of 2024.

11. Consequently there is no Project Proponent left in the present Original Application and no further order is required to be passed on the present application.

12. In view of the above the present Original Application is disposed of accordingly.

13. However the Registry is directed to place this file for reference before the Bench whenever any case registered against any of the Project proponents is listed before the Bench.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

April 25th, 2024
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