

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)

Sampurna Nand

...Applicant

Versus

State of U.P. & Ors.

...Respondents

Date of hearing: 26.09.2023

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

Applicant: Applicant in Person (Through VC)

Respondent: Mr. Gi. Gi. C George Advocate for respondent no. 1-
State of U.P. (through VC).
Mr. Mukesh Verma Advocate for respondent no. 2-
Mining Dept. (through VC).
Mr. Pradeep Misra Advocate for respondent no. 3-
UPPCB (through VC).
Mr. Manoj Swarup Sr. Advocate with Mr. Utkarsh
Sharma and Mr. Sharad Chauhan, Advocates for
Respondents No. 5 to 9 , 11, 13, 14, 17 to 26, 30 to 37,
42, 43.
Mr. I. K. Kapila, Mr. Sujeet Kumar and Mr. Prakash
Gautam, Advocates for Respondents No. 32 & 39.
Mr. Naveen Kumar, Mr. Ayush Mishra and Ms.
Aprajita Bhardwaj, Advocates for Respondent No. 40-
Applicant in I.A. No. 656/2023, I.A. No. 673/2023 &
I.A. No. 679/2023.

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

ORDER

1. The grievances in the application are regarding illegal mining/mining in violation of environmental norms in the area of villages Bhagoti Dei, Sonpur, Biyahur and Chakjata, Pargana Bhagwat, Police Station Ahraura, Tehsil Chunar, District Mirzapur, Uttar Pradesh.

2. Vide order dated 01.09.2022, this Tribunal constituted a Joint Committee comprising of the Regional Office, MoEF&CC, Lucknow, Director, Directorate of Geology and Mining, Uttar Pradesh, State PCB and District Magistrate, Mirzapur and directed the same to submit its factual and action taken report within two months.

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

4. In view of the observations made in the report of the Joint Committee, all the 40 mining leases were ordered to be impleaded as respondents no. 4 to 43 and notices were ordered to be served on them through the District Magistrate, Mirzapur and the mining lease holders were directed to cease and desist from committing or causing any violation of the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. It was also ordered that no further mining shall be carried on in the mining leases in question till further orders to the contrary by this Tribunal.

5. The District Magistrate, Mirzapur has filed compliance report dated 15.07.2023 vide email dated 17.07.2023 regarding service of notices on all the 40 mining lease holders.

6. Mr. Manoj Swarup Senior Advocate alongwith Mr. Utkarsh Sharma and Mr. Sharad Chauhan, Advocates has appeared for Respondents No. 5 to 9, 11, 13, 14, 17 to 26, 30 to 37, 42, 43. Mr. I. K.Kapila, Mr. Sujeet Kumar

and Mr. Prakash Gautam, Advocates have appeared for Respondents No. 32 and 39 and Mr. Naveen Kumar, Mr. Ayush Mishra and Ms. Aprajita Bhardwaj, Advocates have appeared for Respondent No. 40. None has appeared for the remaining mining lease holders.

7. Since the Joint Committee did not submit report regarding 26 stone crushers, the Joint Committee was, vide order dated 27.04.2023, directed to undertake requisite visits to each of the 26 Stone crushers, verify the factual position regarding compliance with consent conditions stipulated by UPPCB and submit its report within two months. In view of the interim order dated 27.04.2023 prohibiting mining in the mining leases in question, precautionary principle and to prevent illegal mining in the area, this Tribunal ordered that all the stone crushers operating in the above said villages on the basis of the mining in said mining lease sites shall also remain closed till further orders to the contrary.

8. In compliance thereof report of the Joint Committee has been filed vide emails dated 14.07.2023.

9. Written Submissions have been filed by the applicant vide separate emails dated 27.07.2023 and 23.08.2023.

10. Respondent no. 40-M/s R.K Construction Company had filed I.A No. 656/2023 for direction to permit respondent no. 40-M/s R.K Construction Company to resume mining operation in view of subsequent development; I.A No. 673/2023 for seeking urgent hearing and appropriate direction and I.A No. 679/2023 for seeking modifications/clarification of the order dated 03.07.2023.

11. However, learned Counsel for the respondent no. 40-M/s R.K Construction Company has submitted today that respondent no. 40-M/s R.K

Construction Company has been allowed by UPPCB to resume operation and the above said interim applications have become infructuous.

12. We find that no report has been filed by UPPCB in this regard. Respondent no. 40- M/s R.K. Construction Company and respondent no. 3-UPPCB are directed to submit copies of the relevant documents regarding compliance with EC/consent conditions/recommendations of the Joint Committee/CSR and Environment Management Programmes by it within two weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

13. In view of the observations and recommendations made in the report of the Joint Committee dated 06.07.2023, all the 26 stone crushers are impleaded as respondent no. 44 to 70. The registry is directed to amend the memo of parties and to issue notices to all the 26 stone crushers requiring them to file their reply/response **on or before 16.10.2023** at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

14. Notices issued to respondents no. 44 to 70 be served on them through the District Magistrate, Mirzapur and for this purpose notices issued to the respondents no. 44 to 70 be sent to the District Magistrate, Mirzapur by E-mail for getting service of the same effected on them and sending his report in this regard.

15. Objections/response to the report of Joint Committee had been filed by respondents no. 5 to 9, 11, 13, 14, 17 to 26, 30 to 37, 39 and 42 vide email dated 23.09.2023 and by respondents no. 32 and respondent no 39 vide separate emails dated 22.09.2023.

16. However, today learned Counsel for the respondents no 5 to 9, 11, 13, 14, 17 to 26, 30 to 37, 39, 40 and 42 seek time to file affidavits regarding compliance with EC and consent conditions and recommendations made by the Joint Committee.

17. Compliance affidavits be filed by the respondents no 5 to 9, 11, 13, 14, 17 to 26, 30 to 37, 39, 40, 42 before this Tribunal **within 10 days** at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF, mentioning in detail the compliance in consonance with EC/consent conditions and recommendations of the Joint Committee and action plan with specific timelines about compliance regarding CSR and Environment Management Programmes to be made by them.

18. Such compliance affidavits may also be filed by other respondents who have not appeared before this Tribunal so far, if so desired.

19. Respondents no 5 to 9, 11, 13, 14, 17 to 26, 30 to 37, 39, 40 and 42 as well as other respondents who have not appeared before this Tribunal may submit copies of such compliance affidavits to Member Secretary, UPPCB and District Magistrate, Mirzapur who shall duly verify the compliance made and submit verification report in this regard on **or before 16.10.2023** at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

20. List for further consideration on 17.10.2023.

21. The interim order dated 27.04.2023 shall continue to operate and no further mining and operation of other stone crushers in question shall take place till further orders to the contrary.

22. A copy of this order be forwarded to Member Secretary, UPPCB and District Magistrate, Mirzapur by email for compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 26th, 2023
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