

Item No. 09

Court No. 1

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

Original Application No. 388/2023

Hemlata Devi & Ors.

Applicant(s)

Versus

State of U.P.

Respondent

Date of hearing: 22.09.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant(s): Ms. Hemlata Devi, Applicant in Person (Through VC)

Respondent(s): Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)

ORDER

1. This original application has been registered on the basis of a letter petition relating to violation of the norms by four stone crusher units namely M/s APCO Infratech Private Limited; Shiv Shakti Enterprises (formally known as M/s. Jai Maa Durga Mixture Plant; M/s. K.K.K. Construction Maruti Nandan Stone Crusher and M/s. Maruti Nandan Stone Crusher operating at Village Rampur Dhabahi, Paragna-Bhagwat, Tehsil-Chunar, District Mirjapur.

2. The Tribunal by order dated 30.05.2023 had constituted a joint committee and called for a report.

3. The factual report dated 25.07.2023 has been submitted by the joint committee finding that each of the above unit has committed various violation of the environmental provisions. The report of the committee states that the UPPCB shall issue closure order against the concerned industry under Section 31A of the Air (Prevention and Control of Pollution)

Act, 1981 and Directorate General of Mines and Safety (DGMS) department shall issue directions to the nearby mining projects to comply the SOP for blasting.

4. The Learned Counsel appearing for the UPPCB has informed that closure orders have already been issued on 06.09.2023 and 08.09.2023 for closing down the above said units. He further submits that show cause notices have also issued for imposing environmental compensation for the past violations.

5. Having regard to the report filed before this Tribunal, we deem it proper to implead the above stone crusher units as respondent in this petition as also we formally implead the UPPCB; District Magistrate, Mirjapur; State of UP and Secretary, Environment, State of UP as respondents.

6. Registry is directed to prepare amended memo of parties and to take necessary steps for service of notices to the above respondents.

7. List the matter on 11.12.2023.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

September 22, 2023
Original Application No. 388/2023
JG