

Item No. 3 to 5

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 537/2022

Mukesh Kumar Chouhan ...Applicant

Versus

State of U.P. & Ors. ...Respondents

With

Original Application No.426/2022

Surendra Singh Chouhan ...Applicant

Versus

State of U.P. & Ors. ...Respondents

With

Original Application No. 457/2023

S.S. Singh ...Applicant

Versus

State of U.P. & Ors. ...Respondents

Date of hearing: 20.03.2024

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

Applicant: None for the Applicant.

Respondents: Mr. Pradeep Misra, Advocate for respondent no. 2-UPPCB (through VC).
Mr. Gi. Gi. C. George and Mr. Manoj Pathak Advocates for respondent no. 4-Railways.

Mr. Shlok Chandra, Advocate for the respondent no. 5-M/s JK Cement.

Mr. Shlok Chandra, Advocate for respondent no. 6-M/s. Mangalam Cement.

Mr. Nishant Datta, Advocate for the respondent no. 7--M/s Vision Next Road Logistics Pvt. Ltd.(Through VC)

Ms. Anjali Krishnan Proxy Counsel for respondent no. 8-M/s P & P Exim Private Ltd.

Application is registered based on a letter petition received by Email.

ORDER

1. In its reply respondent no.-5-M/s. J.K. Cement has mentioned about plantation of 800 saplings while in its reply respondent no. 6-M/s Mangalam Cement has mentioned that 101 trees were to be planted but requisite details have not been given.

2. The DRM, North Central Railway, Prayagraj, Uttar Pradesh has filed responses/reports mentioning compliance with the recommendations made by the Joint Committee while complaining that successive applications were filed by the Railways which were repeatedly rejected by UPPCB.

3. This Tribunal had observed in order dated 02.11.2023 that it is not only reasonable/plausible but also pragmatic resolution consistent with sustainable development if respondent no. 4 is allowed to continue its operation on taking of short term pollution control measures for due compliance with environmental norms pending completion of long term pollution control measures.

4. Learned Counsel for respondent no.4 has submitted that UPPCB has not granted provisional consent to operate in terms of above said order.

5. In the facts and circumstances of the case, respondent no.2-UPPCB is directed to immediately grant provisional consent to operate to respondent no.4 with the condition of making requisite compliance.

6. Respondents no. 5 to 8 are directed to file their brief additional responses with respect to the aspects of plantation, CSR activities in the area of the railway goods-shed and also other additional remedial measures, if any, carried out by them.

7. Additional responses by respondents no. 5 to 8 be filed within one week by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

8. List for further consideration on 03.04.2024.

9. A copy of this order be placed in the record of O.A. No. 426/2022 and O.A. No. 457/2023.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

March 20th, 2024
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