

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

Original Application No. 422/2023

Abhishek Shukla	Versus	Applicant
Safdar Ali		Respondent

WITH

Original Application No. 284/2024

Abhishek Shukla	Versus	Applicant
Mumtaj ali		Respondent

WITH

Original Application No. 286/2024

Abhishek Shukla	Versus	Applicant
Athary Construction Company		Respondent

WITH

Original Application No. 287/2024

Abhishek Shukla	Versus	Applicant
Shivarpan Trading Company		Respondent

WITH

Original Application No. 288/2024

Applicant

Respondent

Original Application No. 289/2024

Applicant

Respondent

Original Application No. 291/2024

Applicant

Respondent

Original Application No. 292/2024

Applicant

Respondent

Original Application No. 293/2024

Applicant

Respondent

Original Application No. 294/2024

Applicant

Respondent

Original Application No. 296/2024

Applicant

Respondent

Original Application No. 298/2024

Applicant

Respondent

Date of hearing: 02.08.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondents: Mr. Gi. Gi. C. George for State of U.P. and DGMS (through VC)

Mr. Mukesh Verma and Ms. Vatsala Tripathi, Advocates for Director Mining
Mr. Daleep Dhyani, Advocate for UPPCB
Mr. S.G. Hasnain Senior Advocate with Ms. Deeksha L. Kakkar ,
Mr. Syed Mohd.
Fazal, Ms. Latika Bajaj, Ms. Shivali Singh and Mr. Rashneet Singh
Advocates for the Project Proponents (in Item No. 4, 5, 6, 7, 14
& 15)
Mr. Manoj Kumar, Advocate for the Project Proponent (in Item No. 8)
Ms. Deeksha L. Kakkar, Ms. Shivali Singh and Mr. Rashneet Singh, Advocates for Project Proponent (in Item No. 9, 10 & 11)
Mr. Yashovarman Advocate for Project Proponent (in Item No. 12 & 13)(through VC)

1. Learned counsel appearing for the Proponents have stated that Joint Committee report has been uploaded on 31.07.2024 and they were not able to go through the same. They pray for time to file objections, if any.

2. Accordingly, we allow two weeks' time to file objections, if any to the report.

3. Further, we find that in O.A No. 422/2023, O.A No. 289/2024 and O.A No. 291/2024, it is an admitted position that the lease area has been substantially reduced by Mining Authorities and that being so, under provisions of Environment Impact Assessment Notification dated 14.09.2006 as amended from time to time as also the conditions of EC, if there is a change/alteration/modification in the project, proponent is required to obtain fresh/revised EC and so long as such EC is not obtained, the earlier EC lease to be valid EC for carrying out mining on the area permitted by Mining Authorities at this stage hence, proponents in above three matters cannot be allowed to continue with mining activities without valid EC. We accordingly restrain them from carrying out any mining activities till they obtain fresh EC in accordance with law. District Magistrate, Banda, Senior Superintendent of Police, Banda and Member Secretary, UPPCB shall ensure compliance of this order.

4. Further, we find from record that vide order 20.05.2024, Joint Committee comprising Ministry of Environment, Forest and Climate Changes, UPPCB, Central Pollution Control Board and a

representative of Wadia Institute of Geology, Dehradun was constituted to submit its report with regard to following aspects:-

“.....whether for the purpose of mining, cutting of hills which may result in ultimate extinction of hills can be allowed and whether it may not affect the environment and ecology permanently and have detrimental effect on the ecology.”

5. However, the report submitted by the Committee does not touch on the said aspects at all and is totally silent. We call upon the members of the said Committee to explain, why this aspect has not been examined though that was the only aspect on which they were required to address, and explain why appropriate action may not be taken against them for non-compliance of order of this Tribunal. However, we leave it open to Committee to submit supplementary report covering the aspect on which they were required to submit report vide order dated 20.05.2024.

6. List on 02.09.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

August 02, 2024

Original Application No. 422/2023 & connected matters

AB