

Item No. 09

Court No. 2

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 422/2023

Abhishek Shukla

Applicant

Versus

State of U.P.

Respondent

Date of hearing: 03.10.2023

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

Applicant: None for the applicant.

Respondent: Mr. Pradeep Misra, Advocate for UPPCB (through VC).

Application is registered based on a letter petition received by Post

ORDER

1. In compliance of order dated 01.08.2023, report of the Joint Committee has been filed vide email dated 08.09.2023.

2. In view of the averments in the application and observations in the report of the Joint Committee, we consider it appropriate to have response of (1) State of Uttarakhand through Chief Secretary, Government of Uttar Pradesh, (2) Principal Secretary, Environment, Forest and Climate Change Department, State of Uttar Pradesh, (3) Director, Directorate of Geology and Mining, Uttar Pradesh, (4) Director General of Mines Safety, Directorate General of Mines Safety, Ministry of Labour and Employment, Dhanbad, Jharkhand (5) State PCB, (6) District Magistrate, Banda, (7) Safdar Ali S/o Late Shri Farzand Ali, Gata No.-2450, Khanda No.- 03, at

Village- Jarar, (8) Mumtaj Ali S/o Late Farzand Ali, Gala No.- 2450, Khanda No.- 05, Village-Jarar, (9) Eureka Mines And Minerals Llp, Gata No. 2451, Khand No. 01; Village-Jarar, (10) Athary Construction company (Shri Shravan Kumar Singh S/o Shri Vishnupal Singh), Gala No.-2451. Khand No.-02, at Village- Jarar, (11) Shivarpan Trading Company, Gata No. 2450, Khand No. 06, Village- Jarar, (12) Jasmit Kaur Malhotra, Gala no - 1876, Khand no- 5, Village- Girwan, (13) Sangram Singh, Gata No. 1876, Khand No.- 01, Village- Girwan, (14) Sulabh Saxena Gata No.- 1876 (Khanda No.- 02), Village- Girwan, (15) Bajrang Road Lines (Shri Suresh Pratap Singh), Gata No.- 1876, Khand No.- 03, Village- Girawan, (16) Bajrang Road Lines (Shri Suresh Pratap Singh), Gata No.- 1876, Khand No.- 04, Village- Girawan, (17) Bundelkha Nd Rocks, Gala No- 1876, (Khand No.09), Village- Girwan, (18) Bundelkha Nd Rocks, Gala No-1876, (Khand No.07), Village Girwan, (19) Kunwar Vinod Ram, Gata No. 332. Khand No -01, Village Badokhar Khurd, (20) Disha Enterprises, Gata No. 332, Khand No. 02, Village Badokhar Khurd (21) Maa Vindhyawasini Stone Work (Shri Sameer Singh S/o Shri Phool Singh), Gata No.-332, Khanda No.- 05, Village- Badokhar Khurd, (22) Deepak Singh S/o Shri Ram Pal Singh, Gata No.-332. Khand No.- 03, Village- Badokhar Khurd, (23) A.H.V.S. IFRA L.L.P. Gata No. 1166, Vill-Jarar, Tahsil- Naraini, Banda, (24) Associated Ventures Gata No. 1172, 1179 and 1180, Vill-Jarar, Naraini, Banda, (25) Peer Baba Granite Gata No. 1798, Vill- Jarar, Naraini, Banda, (26) Neelkanth Granite Gata No. 1382, Vill-Jarar, Naraini, Banda and (27) Indus Stone Crusher Pvt. Ltd. Gata No. 1794, VIII- Jarar, Tahsi I- Naraini, Banda, who stand impleaded as respondents No. 1 to 27. The Registry is directed to prepare and attach memo of parties to the application. Respondent no. 5-UPPCB is already appearing before this Tribunal through Counsel. Registry is directed to issue notices to respondents no. 1 to 4 and 6 to 27 requiring them to file their

reply/response within two months at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

3. Notices be served on respondents n. 6 to 27 through the District Magistrate, Banda and for this purpose notices issued to respondents n. 6 to 27 be sent to the District Magistrate, Banda by E-mail for getting service of the same effected on them and sending his report in this regard.

4. The Director General of Mines Safety, Directorate General of Mines Safety, Ministry of Labour and Employment, Dhanbad, Jharkhand, Director, Directorate of Geology and Mining, Uttar Pradesh and the District Magistrate, Banda are also directed to look into the recommendations made by the Joint Committee in its report and take appropriate remedial steps and file action taken report in this regard within **one month** at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR supported PDF and not in the form of Image PDF.

5. List for further consideration on 24.11.2023.

6. A copy of this order, along with a copy of the application and documents attached with the same, be forwarded to the Director General of Mines Safety, Directorate General of Mines Safety, Ministry of Labour and Employment, Dhanbad, Jharkhand, Director, Directorate of Geology and Mining, Uttar Pradesh and the District Magistrate, Banda by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

October 03rd, 2023
AG