

**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. & Ors.	Respondents

Date of hearing: 08.02.2024

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

Applicant	None for the applicant.
Respondents:	Mr. Mukesh Verma, Advocate for Respondent No. 3 Director Mining alongwith Mr. Arjun Kumar, Mining Officer Banda. (through VC). Mr. Gi. Gi. C. George, Advocate for Respondent No.4 DGMS With Mr. Kumar Rajiv Krishna, Deputy Director, DGMS. (Through VC) Mr. Pradeep Mishra, Advocate for Respondent No.5 with Mr. Rajendra Prasad, RO Banda. (through VC) Ms. Deeksha L. Kakkar and Ms. Akansha Chaudhary, Advocates for Respondent No. 7 Mr. S.G. Hasnain Senior, Advocate with Mr. Syed Mohd. Fazal, Advocate for Respondents No. 8, 10, 11, 20, 22 and 26. Mr. S.G. Hasnain, Senior Advocate with Ms. Deeksha L. Kakkar and Ms. Akansha Chaudhary, Advocates for Respondent No. 13, 15, 16 and 25. Mr. Manoj Kumar, Advocate for Respondents No. 9, 12, 14, 19, 21, 23, 24 and 27.

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

ORDER

1. The grievance in the present application registered on letter petition sent by Abhishek Shukla is regarding illegal mining, blasting and crushing in violation of environmental norms in villages Jarar, Chhaneha Purwa,

Raghwapurwa, Girwan and Patraha, Tehsil Nareni, District Banda, Uttar Pradesh.

2. Vide order dated 01.08.2023 this Tribunal constituted a Joint Committee which submitted its report vide email dated 08.09.2023.

3. Vide order dated 03.10.2023 the concerned Project Proponents were impleaded as Respondents no. 7 to 27 and notices were served on them.

4. In its report the Joint Committee has made observations regarding environmental violations with respect to each of the Project Proponents and responses have been filed by the concerned official respondents and Project Proponents.

5. Rule 14 of the National Green Tribunal (Practices and Procedure) Rules, 2011 provides that an application or appeal, as the case may be, shall be based upon a single cause of action and may seek one or more relief provided that they are consequential to one another.

6. Due to the number of the Project Proponents impleaded as respondents no. 7 to 27 being large it becomes difficult to properly correlate the observations made in the report of the Joint Committee regarding environmental violations and the submissions made by the official respondents and also the responses filed by the concerned Project Proponents.

7. In these facts and circumstances we consider it to be appropriate as well as convenient that the cases against each of the Project Proponents are separated and are separately registered as original applications and separate proceedings are conducted for considering the question of environmental violations, verifying compliance and taking remedial measures against each of the Project Proponents separately.

8. In view of the above the Registry is directed to separate case against each of the Project Proponents impleaded as respondents no. 7 to 27 by preparing Photostat copies of the relevant records and registering separate original applications by treating the present original application as case against respondent no. 7 and preparing and registering 20 other cases against remaining 20 Project Proponents.

9. O.A. No. 422/2023 and remaining 20 cases so prepared and registered be put up on 18.03.2024.

10. It may be observed here that none has appeared for respondents no. 1, 2, 6, 17 and 18 and responses have not been filed by them.

11. Notices be issued to the respondents no 1, 2, 6, 17 and 18 again requiring them to file their reply/responses within three weeks by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

12. DGMS is directed to file a complete up-to date status report regarding compliance by all the 16 mining leases impleaded as respondent no. 7 to 22 within one month by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

13. The Director, Mining and Geology, Uttar Pradesh is directed to take appropriate steps for implementation of the recommendations made by the Joint Committee and cancellation of the leases granted in violation of the siting criteria prescribed in the rules and file action taken report within one month by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

14. List for further consideration on 18.03.2024.

15. In view of the report of the Joint Committee which specifically points out the mining leases which are close to habitation and violative of prescribed distance from habitation and the report of DGMS which points out the mining leases who have not obtained the requisite permissions for blasting, the Director, Mining and Geology, Uttar Pradesh is directed to ensure that mining leases violative of siting norms and also mining leases not having requisite permissions for blasting be closed and the concerned mining lessees be not allowed to carry out any mining in the same till further orders and the District Magistrate, the Superintendent of Police and the District Mining Officer, Banda are directed to take all requisite measures for ensuring that no mining takes place in violation of this interim injunctive order passed by this Tribunal.

16. A copy of this order be sent to the District Magistrate, the Superintendent of Police and the District Mining Officer, Banda by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 08th, 2024
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