

**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: 15.01.2024

**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.
Mr. Gi. Gi. George Advocate for Respondent No.4.
Mr. Pradeep Mishra Advocate for Respondent No.5.
Ms. Deeksha L. Kakkar Advocate for Respondent No. 7,
13, 15, 16 and 25.
Mr. S.G. Hasnain Senior Advocate with Mr. Syed Mohd.
Fazal Advocate for Respondents No. 8, 10, 11, 20, 22 and
26.
Mr. Manoj Kumar Advocate for Respondents No. 9, 12, 14,
19, 21, 23, 24 and 27.
None for Respondents No. 1, 2, 6, 17 and 18.

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

ORDER

1. Replies have been filed by respondent no. 23 vide email dated 05.01.2024 by respondent no. 17 vide email dated 11.01.2024 and by respondent no. 18 vide email dated 11.01.2024.

2. Learned Counsel for respondents no. 8, 10, 11, 20, 22 and 26 seeks time to file reply on behalf of respondents no. 10 and 22.

3. Learned Counsel for respondent no. 3-Director, Geology and Mining, Uttar Pradesh seeks time to file its reply.
4. Learned Counsel for respondent no.4-Director General Mines Safety also seeks time to file additional reply on its behalf.
5. Additional replies by respondents no. 3 and 4 and replies by respondents no. 10 and 22 be filed within two weeks at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.
6. List for further consideration on 08.02.2024.
7. In view of the facts and circumstances of the case, we also consider personal appearance of the District Mining Officer, Banda and Regional Officer, UPPCB Regional Office, Banda before this Tribunal on the next date of hearing either **through video conferencing or physically** to be essential for assisting this Tribunal in just and proper adjudication of the questions involved in the case and they are accordingly directed to remain present before this Tribunal on the date fixed.
8. In view of the provisions made in Section 20 of the National Green Tribunal Act, 2010 mandating this Tribunal to apply the precautionary principle and in exercise of powers under Section 19 (4) (j) of the National Green Tribunal Act, 2010 the mining lease holders are directed to cease and desist from carrying out any mining by way of blasting without obtaining requisite permission from DGMS, Dhanbad and in violation of environmental norms prescribing siting criteria.
9. 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 above interim injunctive order passed by this Tribunal.

10. A copy of this order be sent to the District Mining Officer and Regional Officer, UPPCB Regional Office, Banda by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 15th, 2024

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