

Item Nos. 4 to 15

Court No. 2

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

Original Application No. 422/2023

Abhishek Shukla Applicant

Versus

Safdar Ali Respondent

And

Original Application No. 284/2024

Abhishek Shukla Applicant

Versus

Mumtaj Ali Respondent

And

Original Application No. 286/2024

Abhishek Shukla Applicant

Versus

Athary Construction Company Respondent

And

Original Application No. 287/2024

Abhishek Shukla Applicant

Versus

Shivarpan Trading Company Respondent

And

Original Application No. 288/2024

Abhishek Shukla Applicant

Versus

Jasmit Kaur Malhotra Respondent

And

Original Application No. 289/2024

Abhishek Shukla Applicant

Versus

Sangram Singh Respondent

And

Original Application No. 291/2024

And

Original Application No. 292/2024

Abhishek Shukla Applicant

Versus

Bajrang Road Lines through
Shri Suresh Pratap Singh Respondent

And

Original Application No. 293/2024

And

Original Application No. 294/2024

Abhishek Shukla Applicant

Versus

Bundelkhand Rocks

Respondent

And

Original Application No. 298/2024

Abhishek Shukla

Applicant

Versus

Deepak Singh

Respondent

Date of hearing: 20.05.2024

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

Applicant: none appeared

Respondents: Mr. Gi. Gi. C. George for State of U.P. and DGMS (through VC)
Mr. Mukesh Verma, Advocate 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 and Mr. Mohd. Azmat 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) (through VC)
Ms. Deeksha L. Kakkar, Ms. Akansha Choudhary and Mr. Rashneet Singh, Advocates for Project Proponent (in Item No. 9, 10 & 11)
None for Project Proponent (in Item No. 12 & 13)

ORDER

1. None has appeared on behalf of the applicant.
2. On behalf of project proponents in item nos. 4, 5, 6, 7, 14 and 15, Shri S.G. Hasnain, Senior Advocate assisted by Shri Syed Mohd. Fazal. Ms. Deeksha L. Kakkar has appeared to assist Shri S.G. Hasnain, Senior Advocate in item No. 4. She has also appeared for project proponents in

item no. 9, 10 and 11. In item no. 8, Shri Manoj Kumar, Advocate has put in appearance on behalf of the project proponent. In item nos. 12 and 13 none has appeared for project proponent. On behalf of Uttar Pradesh Pollution Control Board (hereinafter referred to as 'UPPCB'), Shri Daleep Kr. Dhyani, Advocate has put in appearance. Shri Gigi C. George, Advocate has put in appearance on behalf of Directorate General Of Mines Safety (hereinafter referred to as '**DGMS**'), and Shri Mukesh Verma, Advocate has put in appearance on behalf of respondent no. 4, Director Mining.

3. It is stated that Project Proponents have obtained Environmental Clearance (hereinafter referred to as 'EC'), Consents under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 and thereafter undergone mining activities with permission from DGMS. However, when questioned, whether EC has been granted after examines, whether the said mining has to be carried out by cutting hills and the impact of cutting of hills has been examined or not, nothing could be shown. Learned counsel appearing for project proponents pray for one month time to place on record Environment Impact Assessment Report (hereinafter referred to as 'EIA') to show whether this aspect was placed before State Environment Impact Assessment Authority (hereinafter referred to as 'SEIAA') concerned and examined by it or not.

4. We also find it appropriate to constitute a joint Committee comprising Ministry of Environment, Forest and Climate Changes, UPPCB, Central Pollution Control Board and a representative of Wadia Institute of Geology, Dehradun to study, 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. The said report shall be submitted within two months.

5. List these matters on 02.08.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

May 20, 2024
O.A. No. 422/2023 & other connected matters
A