

Item No. 06

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. & Ors.

Respondents

Date of hearing: 24.11. 2023

**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 respondents no. 1 to 3 and 6.
Mr. Pradeep Mishra Advocate for respondent no. 5. (through VC).
Mr. Manoj Kumar, Advocate for respondents no. 9, 12, 14, 15, 16, 19, 24, 27.
Mr. Deeksha L. Kakkar and Akansha Chaudhary Advocates for respondent no. 13.
Mr. Rajendra Prasad, RO, UPPCB, Ghaziabad.

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

ORDER

1. Reports/responses have been filed by the Director General for Mines Safety (DGMS), Dhanbad vide email dated 01.11.2023; by District Magistrate, (DM), Banda vide email dated 21.11.2023 and by Uttar Pradesh Pollution Control Board (UPPCB) vide email dated 23.11.2023.

2. However, none has appeared before this Tribunal for respondent Dno.4-DGMS, Dhanbad today.

3. Mr. Manoj Kumar, Advocate has appeared for respondents no. 9, 12, 14, 15, 16, 19, 24, 27 and Mr. Deeksha L. Kakkar and Akansha Chaudhary, Advocates have appeared for respondent no. 13 and they seek time to file their reply/response.

4. Mr. Mukesh Verma, Advocate has appeared for Mining Department and District Magistrate, Banda and he also seeks time to file their reply/response.

5. Replies/responses be filed by them on or before 07.12.2023 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 08.12.2023.

7. The Registry is directed to issue reminder to District Magistrate, Banda for sending his report regarding service of notices on remaining respondents out of respondents no. 6 to 27 within one week after serving requisite notices on them if not already served.

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 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.

5. A copy of this order be forwarded to the Director, Directorate of Geology and Mining, Uttar Pradesh and the District Magistrate, the Superintendent of Police and the District Mining Officer, Banda by e-mail for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

November 24, 2023
N