

Items No. 03 to 05

Court No. 2

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

Original Application No. 537/2022

Mukesh Kumar Chouhan	Applicant
Versus	
State of U.P.& Ors.	Respondents

WITH

Original Application No. 426/2023

Surender Singh Chouhan	Applicant
Versus	
State of U.P.& Ors.	Respondents

WITH

Original Application No. 457/2023

S S Singh	Applicant
Versus	
State of U.P.& Ors.	Respondents

Date of hearing: 19.03.2025

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

Applicants: None for the Applicants.

Respondents: Ms. Priyanka Swami, Advocate for respondent no. 1-State of U.P.
Mr. Bhupendra Pratap Singh (through VC), Mr. Nakul Nirwab, Mr. Ashish Singh and Mr. Anurag Thakur, Advocates for respondent no. 2-UPPCB.
Mr. Gi. Gi. C. George for respondents no. 4-North Central Railway and 9-Railway Board.
Mr. Shlok Chandra and Mr. Sankalp Sharma, Advocates for respondent no. 5-M/s. J.K Cement.
Mr. Chirag Rathi, Advocate for respondent no. 7-M/s. Vision Next Road Logistics Pvt. Ltd. (through VC).

Mr. Saurabh Balwani, Advocate for respondent no. 10-CPCB (through VC).

ORDER

1. In compliance of order dated 19.12.2024, report dated 13.03.2025 has been filed by Div. Rail Manager, North Central Railway, Prayagraj vide email dated 13.03.2025.

2. Learned counsel for respondents no.4 and 9 seeks time to file additional report on behalf of respondent no.4-North Central Railway and copies of guidelines issued by respondent no. 9-Railway Board.

3. Further progress report and copies of the Guidelines may be filed at least one week before the next date of hearing fixed.

4. None has appeared for respondent no. 5- M/s J.K. Cement Ltd. (JK Cement) and respondent no.8- M/S P&P EXIM Pvt. Ltd. and respondent no. 5- M/s J.K. Cement Ltd. (JK Cement) and respondent no.8- M/S P&P EXIM Pvt. Ltd. have not filed any response to apprise this Tribunal about remedial measures taken by them.

5. Non-appearance of respondent no. 5- M/s J.K. Cement Ltd. (JK Cement) and respondent no.8- M/S P&P EXIM Pvt. Ltd. today has the effect of causing unnecessary adjournment and delaying appropriate resolution of the environmental issues involved in the case. Such deliberate non-appearance can be remediated only by an order imposing exemplary costs for unnecessary adjournment thereby caused.

6. In these facts and circumstances respondent no. 5- M/s J.K. Cement Ltd. (JK Cement) and respondent no.8- M/S P&P EXIM Pvt. Ltd. are directed to file their additional response and to deposit costs of Rs. 25,000/- each with the National Green Tribunal Bar Association, Principal Bench, New Delhi within one month. The amount of costs so deposited

shall be utilized for providing legal aid to the applicants not represented by any lawyer for effectively presenting their case before this Tribunal and creating facilities for the litigants visiting this Tribunal for hearing of cases filed by them.

7. List on 13.05.2025 for further consideration.

8. A copy of this order be sent to the respondent no. 5- M/s J.K. Cement Ltd. (JK Cement) and respondent no.8- M/S P&P EXIM Pvt. Ltd. by email for requisite compliance with this order and deposit of costs with National Green Tribunal Bar Association, Principal Bench as directed.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

March 19th , 2025
Original Application No. 537/2022
& connected matters
AB