

Item No. 1 to 3

(Court No. 2)

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

(Through Physical Hearing with Hybrid VC Option)

Original Application No. 537/2022

Mukesh Kumar Chouhan ...Applicant

Versus

State of U.P. & Ors. ...Respondents

With

Original Application No.426/2023

Surendra 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: 25.09.2024

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

Applicants: None for the applicants.

Respondents: Mr. Nishant Datta and Mr. Chirag Rathi, Advocates for
M/s Vision Next Road (through VC).
Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates
for UPPCB (through VC).
Mr. Gi. Gi. C. George for Railways (through VC).

Mr. Shlok Chandra and Mr. Sankalp Sharma,
Advocates for M/s. Mangalam Cement and M/s. J.K
Cement. (through VC).

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

ORDER

1. The grievance in the present applications registered on letter petitions are that J.K. company and other companies are getting clinker, required by them for manufacture of cement, transported to Harduaganj Railway station near village Satha District Aligarh. During loading/unloading, clinker evaporates causing damage to the environment, grave harm to wildlife and posing serious health hazards to local residents.

2. Vide order dated 05.09.2022, this Tribunal constituted a Joint Committee comprising of representative of CPCB, State PCB, and District Magistrate, Aligarh with direction to verify the factual position and submit its report.

3. In compliance thereof, report of the Joint Committee was filed vide email dated 01.12.2022.

4. In the course of hearing State of Uttar Pradesh, UPPCB, District Magistrate, Aligarh, North Central Railway, M/s. J.P. Cement, M/s. Mangalam Cement, M/s. Vision Next Road Logistics Pvt. Ltd. and M/s. P & P Exim Pvt. Ltd. were impleaded as respondents.

5. Reports/Replies were filed by UPPCB, District Magistrate, Aligarh and Project Proponents, respondents no. 5 to 8. Arguments were heard and order was reserved but on going through the material placed on record the cases have been relisted as presence of the Railway Board and

CPCB is essential for just and proper adjudication of the environmental questions involved and also regarding steps taken by it for due implementation of the directions already issued by this Tribunal in number of original applications filed for similar relief and also further directions required to be issued in respect of railway-sidings/railway stack yard. Accordingly, Railway Board and CPCB are impleaded as respondent no. 9 and 10. The Registry is directed to amend memo of parties and issue notices to newly added respondents no. 9 and 10 requiring them to file their reply/response at least week before the date of hearing hereby fixed.

6. In its reply respondent no. 4 had mentioned about issuance of tender and allotment and execution of work regarding upgradation of existing goods shed with targeted date of completion being 28.09.2024 but details of the upgradation work were not mentioned and the material on record is not conclusive regarding adequacy thereof and further hearing is required for ascertaining the status as well as adequacy of the upgradation work for control/abatement of environmental pollution. Respondent no. 4 is directed to file additional reply/report regarding status of the work and also adequacy thereof for control/abatement of environmental pollution.

7. List on 07.11.2024 for further consideration

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

September 25th 2024
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