

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

Original Application No. 412/2023
(IA No. 603/2023 & IA No. 602/2023)

Pradeep Kumar Shukla & Anr. Applicant(s)

Versus

MoEF&CC & Ors. Respondent(s)

With

Original Application No. 462/2023

Raja Ram Singh Applicant

Versus

State of UP& Ors. Respondent(s)

With

Original Application No. 481/2023
(IA No. 622/2024, IA No. 621/2024, IA No. 619/2024, IA No. 490/2024,
IA No. 93/2024, IA No. 70/2024)

Balbir Sandhu &Ors. Applicant(s)

Versus

State of UP& Ors. Respondent(s)

With

Original Application No. 1222/2024
(I.A. Nos. 492/2024 & 493/2024)

Gaurav Sharma Applicant

Versus

MoEF&CC & Ors. Respondent(s)

Date of hearing: 16.12.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Ms. Pushpila Bhisht, Mr. Shubham Karnwal & Ms. Henna Narula,
Advocates for Applicant No. 5 in OA 481/2023
Mr. Tanay Tewari, Adv. for Applicant in OA 1222/2024

Respondents: Mr. Gaurav Bhatia, Senior Advocate with Mr. Ankit Verma, Mr. Vikas
Tiwari & Mr. Anmol Pandey, Advs. for the State of UP in OA 481/2023
Mr. Ankit Verma, Adv. for the State of UP
Ms. Suhasini Sen & Ms. Surbhi, Advs. for MoEF & CC in OA 412/2023
Mr. Arvind Kumar & Mr. Aziz Mishra, Advs. for UPPCB in OA 412/2023
Ms. Priyanka Swami, Adv. (Through VC) in OA 412/2023
Mr. Mukesh Verma & Ms. Vatsala Tripathi, Advs. for the Mining
Department, U.P. (Through VC)
Mr. Sharad Chauhan & Mr. Harshith, Advs. for R - 5 in OA 462/2023
Mr. Hem Chadra Joshi, Adv. for R - 6 in OA 462/2023
Dr. Sapna Aggarwal Advocate for Respondent no. 7 in OA 462/2023
(Through VC)
Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB in OA
462/2023 & OA 481/2023 (Through VC)
Mr. Raj Kumar, Advocate for Respondent No. 8 in OA 462/2023
Mr. Atif Suhrawardy, Advocate for CPCB in OA 481/2023
Mr. Rahul Khurana, Advocate for Respondent No. 6 to 10 in OA
481/2023
Mr. Vanshdeep Dalmia & Ms. Anisha Jain, Advocates for Respondent No.
12 in OA 481/2023
Ms. Suhasini Sen & Ms. Surbhi, Advs. for MoEF & CC in OA 481/2023
Mr. Gaurav Agarwal & Mr. Sarthak Kalra, Advs. in I.A No. 619/2024 in
OA 481/2023
Mr. Hasil Jain, Mr. Shaiem Hasan & Ms. Farha Khan, Advs. for R - 11 in
OA 481/2023

ORDER

1. In these original applications, the Tribunal is examining the issue if commercial mining activity to be permitted to the private agricultural landholders during the post-monsoon period by granting mining leases/permits in the name of removal of sand collected in the agricultural fields during monsoon.

2. Tribunal on 28.08.2024 had considered the affidavit of MoEF&CC dated 27.08.2024 disclosing that the Expert Appraisal Committee will be discussing the feasibility of inclusion of such area in District Survey Report and, therefore, Tribunal had expressed the expectation that decision will be taken having due regard to the potential possibility of

misuse of such mining lease/permits and its larger impact on the environment.

3. Additional affidavit dated 03.12.2024 has been filed by respondent no.1-MoEF&CC disclosing as under:

“3. *It is submitted that, in compliance to the Hon'ble Tribunal order dated 28.08.2024, Expert Appraisal Committee (EAC) (Non-Coal Mining Sector) meeting was held on 11.09.2024 to discuss various issues pertaining to the short-term permits for the removal of sand on agricultural land, feasibility of inclusion of such area in District Survey Report and environmentally friendly sand mining practices. Some other invitees, domain experts, state DMG officials, Members from SEIAA, etc. were also invited for the above online meeting. A copy of the record of discussion of The meeting is marked and annexed herein as ANNEXURE R1/ 1.*

4. *It is humbly submitted that the draft record of discussion of the meeting held on 11.09.2024 was circulated to the EAC members, Special Expert Members and other members from states various Stakeholders. Based on the inputs/comments of experts and other members some recommendations were made. The recommendations of the EAC are as follows:*

- (i) *The Committee recommended that for agricultural land that has not gone Into river and has deposition of sand should be dealt as per the provisions Iven at Sustainable Sand Mining Guidelines 2016 issued by MoEFCC.*
- (ii) *Since the above issue appears to be a state specific issue pertaining to UP, inputs from State DMG would be needed on the exact nature of short-term permits, statuory provisions under which such permits are being given, permissible activity under such short term permits. Environment safeguards observed, environment impacts of such activities, etc*
- (iii) *Members were also of the opinion that more discussions would be needed to deliberate on the issues involved in the matter. It was decided to keep one more meeting to discuss the further course of action on the above issues where official members from Department of Mining and Geology, UP (Uttar Pradesh), SEIAA, UP, UPSPCB, Dept. of Environment, Govt. of UP should also be requested to attend.*

5. *It is humbly submitted that as per the recommendations of the 33rd meeting of the Expert Appraisal Committee (EAC-NCM), the Ministry of Environment, Forest and Climate Change has requested the Secretary, State Department of Mines & Geology, UP to provide inputs, which will be placed for consideration of the EAC-NCM. The EAC has felt it necessary to have further detailed deliberations on this issue. Accordingly, the matter will be referred back to the EAC, the Special Expert Members, and relevant stakeholders. Subsequently, a report will be submitted to the Hon'ble Tribunal.*
6. *It is humbly submitted that, in view of the above mentioned facts, the Expert Appraisal Committee, Special Expert Members and Stakeholders will require some further time to deliberate the issues. Therefore, it is humbly prayed to Hon'ble Tribunal to grant a further period of 4 weeks to submit the recommendations of the EAC."*

5. Learned Counsel for MoEF&CC has informed that the Expert Appraisal Committee is in the process of undertaking the exercise and deliberations are in progress.

6. In the said background, a prayer for grant of further four weeks has been made to place on record the recommendations of the Expert Appraisal Committee. Prayer is allowed.

7. I.A. No. 93/2024 (OA No. 481/2023)- Learned Counsel for the applicant in IA 93/2024 has sought discharge to appear on behalf of the applicant in the said IA. Prayer is allowed. Let notice be issued to the applicant in IA (93/2024) informing the next date of hearing.

8. List on 06.03.2025.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

December 16, 2024
Original Application No. 412/2023
& other connected matters
JG..