

Item No. 14

Court No. 1

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

Original Application No. 585/2023
(IA No. 564/2024, IA No. 576/2024)

Arif Kidwai

Applicant

Versus

Ministry of Environment Forest and
Climate Change & Ors.

Respondent(s)

Date of hearing: 09.10.2025

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

Applicant: Ms. Chandrika Upadhyaya, Advocate for Applicant (Through VC)

Respondents: Mr. Bhanwar Pal Singh Jadon, Mr. Harsh Vardhan Singh Rajawat, Ms. Anjali Sharma & Ms. Gargi Chaturvedi, Advs. for the State of UP
Ms. Priyanka Swami, Adv. for SEIAA, UP
Mr. Pradeep Misra & Mr. Daleep Dhyani, Adv. for UPPCB (Through VC)
Ms. Soni Singh, Adv. for CPCB (Through VC)
Mr. Sarang S. Chowdhry, Adv. for MoEF & CC (Through VC)
Mr. Rishab Khare, Adv. for R – 5 (Through VC)
Ms. Divya Sharma, Adv. in I.A 564/2024 (Through VC)

ORDER

1. In this Original Application (OA), applicant has challenged the letter dated 01.05.2020 issued by Secretary, Government of Uttar Pradesh giving exemption from environmental clearance to the brick kilns and activities of handmade earthen pots requiring mining upto the depth of 2 mtrs. Only.
2. It has been pointed out that the same very letter is also under challenge before the Hon'ble Supreme Court in the matter of Utkarsh Panwar Vs. Union of India in W. P. (C) No. 534/2024. Prayers made in that writ petition have been set out in affidavit dated 27.01.2025 filed by

respondent no.5 to show that same relief has been claimed before the Hon'ble Supreme Court in the pending writ petition.

3. Learned Counsel appearing for respondent no.5 submits that there are two writ petitions on the same issue pending before the Hon'ble Supreme Court and in one of the writ petition the pleadings are complete.

4. In view of the fact that writ petitions on the same issue challenging the same letter are pending and are under consideration before the Hon'ble Supreme Court, it would not be proper for the Tribunal to proceed parallelly in this OA especially in view of the judgment of Hon'ble Supreme Court in the matter of *State of Himachal Pradesh & Ors. Vs. Yogendra Mohan Sengupta & Anr. reported in (2024) 1 S.C.R. 973:2024 INSC 30 dated 08.01.2024.*

5. Hence, OA is disposed of. However, with liberty to the applicant to approach the Tribunal again if any environmental issue survives after the decision of the Hon'ble Supreme Court.

6. Pending IAs are also disposed of.

Prakash Shrivastava, CP

Dr. A. Senthil Vel, EM

October 09, 2025
Original Application No. 585/2023
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Jg.