

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

MA No. 90/2023
In
Original Application No. 774/2022

WITH

M.A. No.94/2023
In
Original Application No. 774/2022

Gaurav Garg		Applicant
	Versus	
Union of India & Ors.		Respondent(s)

Date of hearing: 23.09.2024

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Applicant: None

Respondents: Mr. Pradeep Misra and Mr. Daleep Dhyani, Advocates for UPPCB
Ms. Priyanka Swami, Mr. Shlok Mittal, Ms. Simran Sehgal Advocates for
SEIAA with Mr. Sanjeev K M Singh Member Secretary, SEIAA
Mr. Mohit Singhal, Advocate for CPCB (through VC)

ORDER

1. Pursuant to order dated 11.09.2024, Shri Sanjeev Kumar Singh, Member Secretary, SEIAA, UP is present. He has stated that since Proponent has not submitted any reply, therefore, no final order could have been passed.
2. We fail to understand as to why final order on the part of SEIAA is dependent upon the response of Proponent. We could not find any reason as to why SEIAA, UP could not have passed any final order, though judgment of Tribunal was delivered on 02.03.2023 and more than one and a half year has passed.

3. On account of inaction of SEIAA, UP, Proponent is able to function its facility without any EC and in utter violation of provisions of Environment Impact Assessment Notification dated 14.09.2006 as amended from time to time. This is nothing but an *ex-facie* violation of environmental laws and permitting a proponent to continue to function in a wholly illegal manner merely because of inaction on the part of SEIAA, UP in passing a final order in the matter.

4. At this stage, Learned Counsel for SEIAA, UP has requested that as a last opportunity, one month time may be granted within which SEIAA, UP may pass final order.

5. Let it be done within one month and a compliance report be submitted by 25.10.2024.

6. List on 25.10.2024.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

September 23, 2024
MA No. 90/2023 & M.A. No.94/2023
SN