

Item No. 10

Court No. 1

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

Original Application No. 188/2023
(I.A. No. 76/2023, I.A. No. 91/2023 & I.A. No. 92/2023)

Gaurav Kumar

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 06.11.2023

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

Applicant: Mr. Ajit Sharma & Mr. Kanchan Kumar, Advs. for Applicant

Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advs. for UPPCB (Through VC)
Mr. Mukesh Verma, Adv. for Mining Department, UP (Through VC)

ORDER

1. The issue involved in this Original Application is in respect of correctness of the auction notice dated 26.07.2022 and 13.02.2023 proposing mining of sand, bajri and boulder in mix condition from 14 places without preparing final District Survey report and without undertaking any replenishment study in violation of Enforcement and Monitoring Guidelines for Sand Mining, January 2020 and MoEF&CC Notification dated 15.01.2016 and 25.07.2018.

2. In pursuance to the direction of the Tribunal, the joint Committee has filed the report which states that Director, Geology and Mining Department, Uttar Pradesh vide its letter dated 27.03.2023 had approved updated DSR with revision and inclusion. The report does not disclose that DSR has been approved by SEIAA, UP.

3. Learned Counsel for the applicant has submitted that the Letter of Intent (LoI) have been issued to 11 Project Proponents and that the auction in pursuance to the auction notice prior to the finalization of DSR cannot be upheld. Learned Counsel for the applicant further submits that he will file objections to the report by tomorrow.

4. Learned Counsel for the State PCB also seeks one day time to place on record the approval of DSR by the SEIAA, UP and the details of the 11 Project Proponents to whom the LOI have been issued.

5. List this matter on 08.11.2023.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

November 06, 2023

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