

Item No.09

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: 08.11.2023

**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 & Mr. A. Renganath, Advs.

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

ORDER

1. In this original application, the applicant has questioned the auction notice dated 13.02.2023 for mining of sand, bajri and boulder in mix condition from 14 places.
2. Submission of Counsel for the applicant is that the auction notice has been issued before finalization of DSR, which is not permissible. He has also submitted that the DSR has not been finalized till now by the SEIAA and that in public consultation, applicant had raised the objection which has not been considered and Clause 4.1.1 of the Enforcement and Monitoring Guidelines for Sand Mining issued by the Ministry of Environment, Forest and Climate Changes, January 2020 has not been followed.

3. On perusal of the record, we find that in pursuance to the impugned auction notice, further action has been taken and LOIs have been issued to the 12 intending lease holders, the details of which are as under:-

Sl. No.	Name and address of lease holder	Date
1.	KRISHNA CONSTELLATION PRIVATE LIMITED (mstc/KRISHNA CONSTELLATION PRIVATE LIMITED/390060) B 901 NINTH FLOOR GREEN WOOD CITY GOLDEN HEIGHTS SUBHARTI, MEERUT 250002	13.07.2023
2.	NUTRESSAORGANICS INDIA PRIVATE LIMITED (mstc/NUTRESSAORGANICS INDIA PRIVATE LIMITED/397018) E17 GREEN PARK MAIN SOUTH DELHI, SOUTH DELHI	21.05.2023
3.	MS MANNU ENTERPRISES (mstc/MS MANNU ENTERPRISES/395471) 0 ROSHNABAD , UTTRAKHAND	20.05.2023
4.	DOON MINES AND MINERALS (mstc/DOON MINES AND MINERALS/396113) F1 502 USHA COLONY PACIFIC GOLF ESTATE, DEHRADUN	21.05.2023
5.	VEDANTA ASSOCIATES (mstc/VEDANTA ASSOCIATES/395585) 86A CHANDRALOK COLONY BEHAT ROAD , SAHARANPUR	21.05.2023
6.	YAMUNA MINES (mstc/YAMUNA MINES/396096) OPP POST OFF JARAODA JATT PO JADAUDA JATT VILL. JARODA JATT, DEOBAND SAHARANPUR	21.05.2023
7.	CHOUDHARY MINES (mstc/CHOUDHARY MINES/395712) NEAR GOVERNMENT SCHOOL BARTHA KAYASTHA AL AHNPUR AHT , SAHARANPUR	21.05.2023
8.	MANISH JAISWAL (mstc/MANISH JAISWAL/99092) GROUND FLOOR HOTEL SUYASH PALACE STATION ROAD PURANI BASTI, BASTI	21.05.2023
9.	RANA ROYALTY (mstc/RANA ROYALTY/396108) BLOCK NO 1 NORTH 102 KARANPUR ROAD DEHRADUN, DEHRADUN	21.05.2023
10.	MANISH AWANA (mstc/MANISH AWANA/373335) HAROLA AJAB CABLE NETWORK SECTOR 5 NOIDA, NOIDA	21.05.2023
11.	BLUE STAR MINES (mstc/BLUE STAR MINES/396130) 3_2204 KHAN ALAM PURA DEHRADUN ROAD , SAHARANPUR	21.05.2023
12.	MAA SHAKUMBHARI TRADERS (mstc/MAA SHAKUMBHARE TRADERS/395596) NEAR MAHARANA PRATAP PARK 2B 1311 RAJENDRA NAGAR NAVEEN NAGAR, SAHARANPUR	22.08.2023

4. In the circumstances of the case, before deciding the issue finally on merit, the above intending lease holders to whom the LOIs have been issued, needs to be noticed.

5. Hence, we implead the above 12 parties as respondents in this OA and direct the applicant to serve these newly added respondents and file affidavit of service on the next date of hearing.

6. At this stage, Counsel for the applicant has made a prayer for interim relief by submitting that, if in the meanwhile, ECs are issued and leases are executed in favour of the above 12 respondents, then the matter will be complicated. The prayer has not been seriously opposed by any of the respondents.

7. Having regard to the plea raised and argument advanced by the Counsel for the applicant, we are of the view that a case is made out by the applicant for grant of interim relief. Accordingly, we direct that the ECs will not be issued to the above newly added respondents by the competent authority without the leave of the Tribunal.

8. List this matter on 22.01.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

November 08, 2023
Original Application No. 188/2023
(I.A. No. 76/2023, I.A. No. 91/2023 & I.A. No. 92/2023)
JG