

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 403 OF 2019

IN THE MATTER OF:

Haikar Khan

Applicant

Vs

State of Madhya Pradesh & Ors

Respondents

RESPONSE ON BEHALF OF RESPONEDNT MADHYA PRADESH
POLLUTION CONTROL BOARD

The Madhya Pradesh Pollution Control Board most humbly submits the following response before this Hon'ble Tribunal with respect to the order dated 01/07/2019 passed in the present case:

1. That the Hon'ble Tribunal vide its order dated 01/07/2019 passed in the present case was pleased to observe inter alia that:

"illegal sand mining is taking place in Tehsil Naraini, District Banda, Madhya Pradesh by RSI Stone World Pvt. Ltd. with the aid of Pokland machines upto the depth of 15 feet in the river. The mined material is covered by tirpaals. Such activities are also affecting the water quality of the Lahuureta river in Village Lahureta"

2. That, in light of the above the Hon'ble Tribunl was pleased to issue the following directions:

"Let the Madhya Pradesh Pollution Control Board (MPPCB) and the District Magistrate, Banda look into the matter, take appropriate action in accordance with law and furnish a factual and action taken report in the matter within one month by e-mail at judicial-ngt@gov.in. The nodal agency will be the MPPCB for coordination and compliance."

3. That in light of the above it is most humbly **submitted that the Tehsil Naraini, District Banda is not situated in the State of Madhya Pradesh but is located in the State of Uttar Pradesh.** Consequently, the MPPCB does not exercise any Territorial or Pecuniary jurisdiction over the area in question and is not the competent authority to act in persunant to the order dated 01/07/2019.

4. That in this regard it is submitted that the competent authority to discharge the responsibilities stated in the order dated 01/07/2019 would be the **Uttar Pradesh State Pollution Control Board**. Therefore it is humbly requested That necessary directions may kindly be given to Uttar Pradesh State Pollution Control Board (UPPCB) for remedial action.
5. That the MPPCB shall always comply with any directions given by Hon'ble Tribunal in above matter as is expedient in the interest of justice.

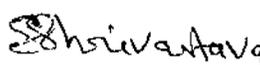
Prayer

It is, therefore, most respectfully prayed that the Hon. Tribunal may graciously pleased to –

1. That the Respondent No.1 MPPCB may kindly be deleted from the arrays of Parties,
2. The same directions may kindly be issued to Uttar Pradesh State Pollution Control Board (UPPCB),
3. Pass such other or further order as this Hon. Tribunal may deem fit and proper in the facts & circumstances of the case.

Dated: 17.9.2019

Place: Bhopal


(Sudhir Shrivastava)

Law Officer

Madhya Pradesh Pollution Control Board