

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 440 OF 2023**

IN THE MATTER OF:

Naveen Kumar

...Applicant

Versus

State of Uttar Pradesh & Ors.

...Respondent

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Through

Date:

Place: New Delhi



PRIYANKA SWAMI

ADVOCATE

Counsel for SEIAA, Uttar Pradesh
F-13, JANGPURA, NEW DELHI 110014

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MOST RESPECTFULLY SHOWETH

1. That this Action Taken Report is respectfully submitted by the answering respondent in compliance with the orders of the Honøble National Green Tribunal dated **25.05.2024** and **16.08.2024** in the above-captioned matter. This report seeks to address the observations of the Honøble Tribunal and provide an accurate account of the steps undertaken by the State Environment Impact Assessment Authority (SEIAA), Uttar Pradesh, to ensure compliance with Environmental Clearance (EC) conditions and directives of this Honøble Tribunal.
2. That the Honøble Tribunal, vide its order dated **25.05.2024**, observed that the reply filed by SEIAA, U.P., was evasive and did not address the main issues

involved in the Original Application (OA). The Honøble Tribunal imposed a cost of 10,000/- on SEIAA, U.P., to be deposited with the Registrar General of the Tribunal. The Honøble Tribunal specifically held:

“...7. It is not in dispute before us that if the EC conditions are not complied with, then the SEIAA, UP is required to cancel the EC. SEIAA, UP has filed an evasive reply before the Tribunal by not responding to the main issue involved in the OA. Hence, we impose the cost of ₹10,000/- upon SEIAA, UP for filing such a response. The said cost be deposited with the Registrar General of the Tribunal within two weeks...”

3. That in respect to the above mentioned order the answering respondent filed the Interlocutory Application for the waiver of cost through **I.A. no 318 of 2024**. However, the said application was rejected by this Honøble Tribunal. Hence, in compliance with the above order, the cost of 10,000/- has been paid to the Registrar General of the Honøble Tribunal. A copy of the receipt evidencing the payment of the cost to the Registrar General of the Tribunal is annexed herewith as **ANNEXURE-1**.

4. That the Honøble Tribunal, vide its order dated **16.08.2024**, raised specific concerns regarding alleged illegal sand mining at **Gata No. 1419, Kha Khand No. 01 in Village Dhamnaud, Tehsil Garautha, District Jhansi, Madhya Pradesh**, purportedly undertaken by Respondent No. 11 in violation of EC conditions and environmental norms. The Honøble Tribunal noted:

“...1. In this OA, the Tribunal is examining the allegation of illegal sand mining in river Dhasan at Gata No. 1419, Kha Khand No. 01 in village Dhamnaud, Tehsil Garautha, District Jhansi, Madhya Pradesh being

undertaken by Respondent No. 11 in violation of the Environmental Clearance (EC) conditions and in violation of the environmental norms and applicable rules.

- 2. The Tribunal in the order dated 22.05.2024 had reproduced the EC conditions which were alleged to be violated by the Respondent No. 11. The reply filed by the State Environment Impact Assessment Authority (SEIAA), Uttar Pradesh dated 20.05.2024 was considered and it was found that there was no response to the specific plea of the applicant in respect of non-compliance of EC condition and that SEIAA, UP had filed an evasive reply. The Tribunal had also noted that the District Magistrate, Jhansi had filed a response along with covering letter dated 21.05.2024 sent by the ADM (Judicial) enclosing therewith some instructions but there was no written response by the DM on the issues raised in the OA. For filing such improper response. Tribunal had imposed cost on SEIAA, UP and DM for their lapse.*
- 10. Along with the report, Annexure A-7 has been filed by stating as under:-
“4. That the status of compliance regarding the General Conditions and Specific Conditions of environment clearance issued by SEIAA UP, which is also forwarded to SEIAA UP for further necessary action, is also attached herewith as Annexure No. 7 in a tabulated format for the perusal of this Hon’ble Tribunal.”*
- 11. We have perused annexure A-7 and we find that most of the entries in last/comment column have been left blank and only under few it is mentioned “not complied”. We also find that neither annexure A-7 has been signed nor any covering letter showing its forwarding to the SEIAA, UP has been filed.*

13. We find that though there is gross non-compliance/violation by the PP yet no action either by the SEIAA, UP or UPPCB has taken. In view of the above, the SEIAA, UP and UPPCB are directed to take action in accordance with law against the respondent, PP by duly complying with the principles of natural justice and submit further action taken report in the form of affidavit of the Member Secretary, UPPCB and the Member Secretary, SEIAA, UP at least one week before the next date of hearing....”

5. That SEIAA, U.P., is a statutory body constituted under the Environmental Impact Assessment (EIA) Notification, 2006, with the primary responsibility of evaluating and granting Environmental Clearances (ECs) to projects falling within its jurisdiction. Its role is focused on assessing the potential environmental impacts of proposed projects and ensuring compliance with applicable laws at the time of granting clearances. The Office Memorandum dated 29th June 2010 issued by the MoEF&CC clearly designates the regional offices of the Ministry as the competent authority for Post-clearance monitoring, enforcement of compliance, and regulatory inspection functions. SEIAA, U.P., operates within its jurisdiction and supports the regulatory authorities by providing necessary inputs when required. A copy of the Office Memorandum dated 29.06.2010 issued by the MoEF&CC is annexed herewith as **ANNEXURE-2**.

6. That SEIAA, U.P., operates strictly within its jurisdiction and has no institutional mechanisms to oversee or enforce compliance after the issuance of ECs. While the regulatory authority for monitoring projects lies with the MoEF&CC. SEIAA remains committed to extending its cooperation and

assistance wherever required. SEIAA has also taken proactive steps within its capacity, such as issuing show cause notices to project proponents where non-compliance has been reported and forwarding such matters to the appropriate regulatory authorities. SEIAA, U.P., assures the Honøble Tribunal of its dedication to upholding environmental laws and addressing concerns raised in the interest of safeguarding the environment.

7. That in compliance with the above order, SEIAA, U.P., convened its **851st Meeting on 07.11.2024**, during which it was resolved to issue a **show cause notice** to the project proponent regarding non-compliance with EC conditions. The show cause notice, issued vide **Letter No. 221/PARYA/SEIAA/5860-5578/2019 dated 27.06.2024**, was returned undelivered and subsequently emailed to the address provided in the application form. Despite these efforts, no response has been received from the project proponent.
8. That based on the findings of the Joint Committee report submitted on **08.08.2024** and the persistent non-responsiveness of the project proponent, SEIAA resolved to **keep the Environmental Clearance (EC) issued vide Letter No. EC22B001UP110182 dated 18.11.2022 in abeyance**. A copy of the minutes of the 851st Meeting is annexed herewith as **ANNEXURE-3**.
9. That further, in pursuance of the decision taken in the 851st Meeting, SEIAA, U.P., issued a letter (**No. 72/Parya/SEIAA/5860/5578/2020, dated 21.11.2024**) to the project proponent, formally keeping the EC in abeyance. A copy of this letter is annexed herewith as **ANNEXURE-4**.

10. That further, it is pertinent to mention that following the issuance of the letter dated 21.11.2024, the answering respondent, i.e., **SEIAA, U.P.**, in the interest of justice further 7 days SEIAA shall wait, thereafter, the answering respondent will proceed in accordance with the process established under law for cancellation of the Environmental Clearance (EC).
11. That with regard to the Interlocutory Application No. 535 of 2024 filed by the applicant, wherein a prayer was made to direct the Joint Committee constituted by the Honøble Tribunal to examine compliance with EC conditions, the answering respondent submits that it does not object to the applicant's prayer. However, it is pertinent to note that SEIAA, U.P., is not a member of the said Joint Committee. SEIAA remains committed to cooperating with all regulatory authorities and stakeholders to facilitate an effective resolution of the matter.
12. That SEIAA, U.P., reiterates its firm commitment to safeguarding the environment and ensuring compliance with environmental norms. The answering respondent respectfully assures this Honøble Tribunal of its continued cooperation and compliance with all its directives, thereby upholding the principles of environmental justice.

Date:

Place: New Delhi

Through



PRIYANKA SWAMI
ADVOCATE

Counsel for SEIAA, Uttar Pradesh
F-13, JANGPURA, NEW DELHI 110014
E-mail: advpriyankaswami@gmail.com

IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 440 OF 2023

IN THE MATTER OF:

NAVEEN KUMAR

... Applicant

Versus

STATE OF UTTAR PRADESH & ORS.

...Respondent(s)


AFFIDAVIT

I, Sh. ANURAG YADAV aged about 48 years s/o Sh. P.N. SINGH is presently posted as DEPUTY DIRECTOR, REGIONAL OFFICE, NOIDA, DIRECTORATE OF ENVIRONMENT, UP having an office at E - 12/1, NOIDA, UTTAR PRADESH.

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit on behalf of **Member Secretary SEIAA** before this Tribunal.
2. That the accompanying report has been drafted by our counsel upon my instructions.
3. That the contents of the accompanying action taken report are true and correct, and the knowledge has been derived from official records and nothing material has been concealed therefrom.



D/4476/16
I identified the deponent who
has signed in my presence




DEPONENT

VERIFICATION

22 NOV 2024

Verified on solemn affirmation at New Delhi on this _____ day of NOVEMBER 2024, that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.



DEPONENT

ATTESTED
NOTARY PUBLIC
(INDIA)

22 NOV 2024



ANNEXURE 1

To,
The Registrar General,
National Green Tribunal, New Delhi

Subject: Payment of Cost imposed upon SEIAA, Uttar Pradesh by the National Green Tribunal, New Delhi vide order dated 22.05.2024 in Original Application No. 440/2023 case titled as Naveen Kumar vs. State of Uttar Pradesh & Ors.

Sir,

That vide order dated 22.05.2024, National Green Tribunal, New Delhi imposed the cost of Rs10,000/- upon the SEIAA, U.P. and was directed to deposit the cost to the Registrar General of the Tribunal. The in compliance to the above-mentioned order a Demand Draft of Rs. 10,000/- has been issued in favour of the Registrar General of the Tribunal which is annexed with this Application along with the copy of the order.



Through

PRIYANKA SWAMI

COUNSEL FOR SEIAA, U.P



AC PAYEE ONLY
NOT NEGOTIABLE

MANAGER'S CHEQUE
VALID FOR 3 MONTHS ONLY

2 1 1 1 7 0 2 4
C D M N Y V A Y 4

REGISTRAR GENERAL OF NATIONAL GREEN TRIBUNAL, NEW DELHI

Of Order

Pay
अदा करे
Rupees
रुपये

या उनके आदेश पर

TEN THOUSAND ONLY

₹ *10,000.00

FOR VALUE RECEIVED

PRIYANKA SWAMI

JANAPURA
NEW DELHI - 110014
REF. No. 005872509202



Handwritten signature: 8387110
Date: 21/11/2024

AUTHORIZED SIGNATORIES
Please sign above

⑈03629⑈ 1102401021: 999989⑈ 12

राष्ट्रीय हरित अधिकरण
National Green Tribunal
प्रधान न्यायाधीश / Principal Bench
नई दिल्ली / New Delhi
21 NOV 2024
प्राप्ति और निगम अधिकांक
Receipt & Issue Section
डायरी सं. / Diary No.....
हस्ताक्षर / Signature.....

By Speed Post

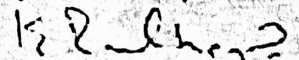
J-11013/5/2009-IA.II
Govt. of India
Ministry of Environment and Forests
IA Division

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110 003.
29th June 2010

Office Memorandum

1. The Regional offices of Ministry of Environment and Forests have been entrusted with the responsibility of monitoring compliance status of the conditions stipulated while according environment clearance to various developmental projects under the EIA and CRZ Notifications. For the purpose, the officers from the Regional offices have been undertaking visits to the projects and based on the observations made during the visit, the monitoring reports are submitted to the Ministry of Environment and Forests.
2. It has been observed that the monitoring reports are often submitted very late, even in cases of serious violations, thereby, prejudicing effective action against the units found non compliant to the environment clearance conditions and defeating the very purpose of monitoring.
3. In view of the above, it has been decided that the Regional offices will, henceforth, send the monitoring reports to monitoring cell of IA division within one month of monitoring of project/ unit in respect of these projects which have been found in gross violation of environment clearance conditions. However, in all other cases, a simple statement indicating name of units monitored along with summary statement of observations made during monitoring may be sent every month for all other projects monitored in the previous month.

This issues with the approval of the Competent Authority.


(Dr. K. C. Rathore)
Scientist "F"

To

1. The Chief Conservator of Forests, Ministry of Env & Forests, Regional Office (East), A/3, Chandrasekharpur, Bhubaneswar 751023 Orissa.
2. The Chief Conservator of Forests, Ministry of Env. & Forests, Regional Office (South), Kendriya Sadan, 4th floor, E & F wings, 17th Main Road, Koramangala II B Bangalore-560034
3. The Chief Conservator of Forests, Ministry of Env. & Forests, Regional Office (WZ), Kendriya Paryavaran Bhawan, E-5, Arera Colony, Link Road-3, Ravishankar Nagar, Bhopal 462016, M.P.
4. The Chief Conservator of Forests, Ministry of Env. & Forests, Regional Office (NEZ) Uplands Road, Laitumkhrah, Shillong 793003, Meghalaya
5. The Chief Conservator of Forests, Ministry of Env. & Forests, Regional Office (CZ), Kendriya Bhawan, 5th floor, Sector "H", Aliganj, Lucknow 226020 U.P.
6. The Chief Conservator of Forests, Ministry of Env. & Forests, Regional Office (NZ), Bays No: 24-25, Sector 31A, Dakshin Marg, Chandigarh 160002

Minutes of the 851th Meeting of the SEIAA, UP held on 07.11.2024

Agenda-C- Minutes of 887th SEAC-2 Meeting Dated 08/10/2024

1. **Discussion on NGT, New Delhi; OA No.- 591/2023 (I.A. No.- 744/2023 & I.A. No.- 745/2023) Satish Versus MoEF&CC & Ors.**

SEIAA agreed with the recommendation of SEAC to send a letter to District Magistrate, Siddharth nagar to provide the factual report on priority within 07 days.

Agenda-D

1. **Hon'ble NGT O.A. No. 440/2023 Naveen Kumar versus State Of Uttar Pradesh & Ors.**

SEIAA noted that the above matter was discussed in its 819th meeting in which it was decided that:

..."A show cause notice be issued to project proponent regarding non-compliance of Environmental Clearance conditions as submitted by the petitioner. Project proponent is required to clarify the following within 15 days- As to why EC issued vide letter no. EC22B001UP110182 dated 18.11.2022 should not be cancelled..."

A show cause notice was issued to the project proponent vide letter No. 221/PARYA/SEIAA/5860-5578/2019 dated 27/06/2024 but it was received back, hence the show cause notice was e-mailed on the address given in the application form. The project proponent has not submitted any reply yet. Hence SEIAA opined to keep the EC issued vide letter No EC22B001UP110182 dated 18/11/2022 in abeyance, in light of joint committee report of representative of Member Secretary, CPCB and RO, MoEF&CC, Lucknow filed on 08/08/2024


Nodal Officer
SEIAA, UP

MoM prepared by Secretariat in consultation with
 Chairman & Members on the basis of decisions
 taken by SEIAA during the meeting.



(Smt. Mamta Sanjeev Dubey)
Chairman
SEIAA

(Ajay Kumar Sharma)
Member-Secretary
SEIAA

(Paras Nath)
Member
SEIAA

State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

Vineet Khand-1, Gomti Nagar, Lucknow - 226 010

Phone : 91-522-2300 541, Fax : 91-522-2300 543

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.com

To,

Sri Vipin Kumar Saxena
S/o Sri Om Prakash Saxena
R/o- MIG –A/135, Aashiyana Pratham,
Tehsil and District Moradabad U.P.

Ref. No 72 /Parya/SEIAA/ 5860/5578 /2020

Date: 21, November, 2024

MoEFCC Proposal no- SIA/UP/MIN/56882/2020 & SEIAA, U.P File no- 5860/5578

Sub: Abeyance of Environmental Clearance for Proposed Sand/Morrum Mining from Dhasan Riverbed at Gata No. 1419 Kh Khand No.- 01, Village- Dhamnaud, Tehsil- Garautha ,District- Jhansi U.P., (Leased Area – 24.00 Ha).

Dear Sir,

SEIAA in its 851st meeting dated 07-11-2024, discussed the above matter in light of order dated 22.05.2024 and 16.08.2024 in Hon'ble NGT O.A. No. 440/2023 Naveen Kumar versus State Of Uttar Pradesh & Ors and noted that the above matter was discussed in its 819th meeting in which it was decided that:

...A show cause notice be issued to project proponent regarding non-compliance of Environmental Clearance conditions as submitted by the petitioner. Project proponent is required to clarify the following within 15 days- As to why EC issued vide letter no. EC22B001UP110182 dated 18.11.2022 should not be cancelled...

In the Minutes of 851st SEIAA meeting it is mentioned that:-

...“a show cause notice was issued to the project proponent vide letter No. 221/PARYA/SEIAA/5860-5578/2019 dated 27/06/2024 but it was received back, hence the show cause notice was e-mailed on the address given in the application form. The project proponent has not submitted any reply yet. Hence SEIAA opined to keep the EC issued vide letter No EC22B001UP110182 dated 18/11/2022 in abeyance, in light of joint committee report of representative of Member Secretary, CPCB and RO, MoEF&CC, Lucknow filed on 08/08/2024...”

Hence as per the decision of the SEIAA EC No EC22B001UP110182 dated 18/11/2022 is kept in abeyance.

Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

This is for your information and necessary action in accordance with provision of EIA notification 2006 (as amended).



(Ajay Kumar Sharma)
Member Secretary, SEIAA

Copy, through email, for information and necessary action to –

1. Additional Chief Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh, Lucknow (email – psforest2015@gmail.com)
2. Joint Secretary, Ministry of Environment, Forest and Climate Change, Government of India, 3rd Floor, Prithvi-Block, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003 (email – sudheer.ch@gov.in)
3. Deputy Director General of Forests (C), Integrated Regional Office, Ministry of Environment, Forest and Climate Change, Kendriya Bhawan, 5th Floor, Sector “H”, Aliganj, Lucknow – 226020 (email – roc.lko-mef@nic.in)
4. District Magistrate, Jhansi.
5. Member Secretary, Uttar Pradesh Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow-226010 (email – ms@uppcb.in)
6. Copy for Guard File.

(Ajay Kumar Sharma)
Member Secretary, SEIAA