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

Original Application No. 176/2022

IN THE MATTER OF

Aman Chaudhary

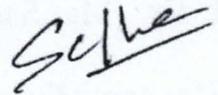
...Appellant(s)

Versus

Union of India and Ors.....Respondent(s)

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NEW DELHI

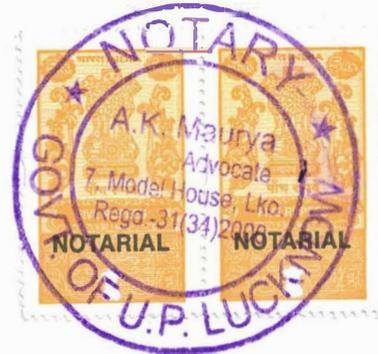
DATED: 05 /10/2023

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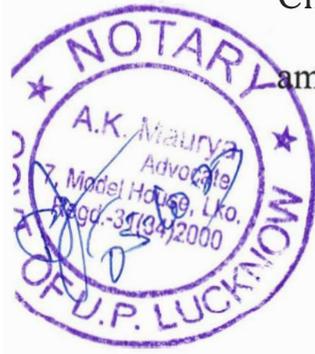
ADDITIONAL AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

(RESPONDENT No. 1)

MOST RESPECTFULLY SHOWETH:

I, Dr. (Ms) Satya, W/o Shri Ajit Pratap Singh, currently working as Scientist 'E' at the Ministry of Environment, Forest and Climate Change (MoEF&CC), Regional Office, Lucknow, do hereby solemnly affirm and state as under:

1. That I, in my official capacity in the Ministry Environment, Forest and Climate Change, i.e., Respondent No.1 in the above mentioned matter, I am conversant with the facts and circumstances of the case on the basis of



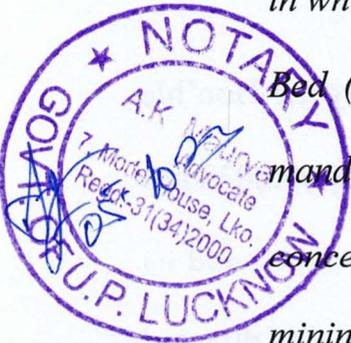
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official records, and as such authorized and competent to swear this affidavit.

2. That, the Hon'ble National Green Tribunal, vide order dated 30.05.2023 in Para 53 has directed the Central Pollution Control Board (CPCB) and Ministry of Environment, Forest and Climate Change (MoEF&CC) to issue appropriate guidelines/OM with regard to Excavation of sand from the River Bed (excluding manual excavation) in red or orange category. Para 53 of the order dated 30.05.2023 is as follows;

"53...In view of above discussion, CPCB and MoEF & CC are directed to look into the matter of categorization of Excavation of sand from the River Bed (excluding manual excavation) in red or orange category and issue appropriate Notification clarifying categorization thereof as red or orange category within a period of two months from the date of receipt of a copy of this order. Till issuance of such Notification, river sand mining shall continue to be treated to fall in red category. However in whichever category- red or orange excavation of sand from the River Bed (excluding manual excavation) is so notified to fall, it shall be mandatory for all the Project Proponents to obtain CTE/CTOs from concerned SPCB/PCC and with effect from 01.09.2023 no river sand mining will be allowed to continue to operate in the entire India without obtaining consents from concerned SPCB/PCC and all the concerned

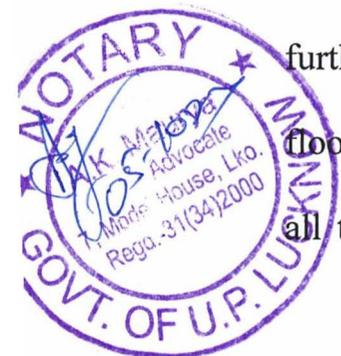


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Directors, Geology and Mining Department, the District Magistrates and the Commissioners/Superintendents of Police of the concerned Districts shall ensure that no such mining is continued/operative without obtaining CTE/CTO from concerned SPCB/PCC. MOEF&CC is also directed to issue appropriate guidelines/OM within a period of two months from the date of receipt of a copy of this order for ensuring that the requirement of obtaining CTE/CTO from concerned SPCB/PCC is uniformly made applicable to all the river bed sand mining projects throughout India.

3. It is submitted that, the Central Pollution Control Board has earlier issued directions to all the State Pollution Control Board(s)/Pollution Control Committee (s) u/s 18(1)(b) of the Air and Water Act on 07.03.2016, regarding "Harmonization of classification of industrial sectors under Red/Orange/Green/White categories', wherein CPCB has categorized 242 industrial sectors into red, orange, green & white categories and directed all SPCBs/PCCs for its adoption and implementation.
4. That, in compliance to the order dated 30.05.2023 passed by the Hon'ble Tribunal, Central Pollution Control Board vide letter dated 22.09.2023 has further, categorized 'Sand/riverbed material mining from riverbed and its floodplains (excluding manual excavation)'. The CPCB has also directed all the SPCBs/PCCs to adopt and implement the same and submit the



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Action Taken Report within 15 days. A copy of the letter dated 22.09.2023 is marked and annexed herewith as **Annexure- R1/1**.

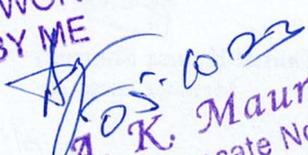
5. That in view of the aforementioned facts and circumstances, it is most humbly prayed that this Hon'ble Tribunal may kindly be pleased to pass such order(s) or direction(s) as the court may deem fit and necessary in the interest of justice.

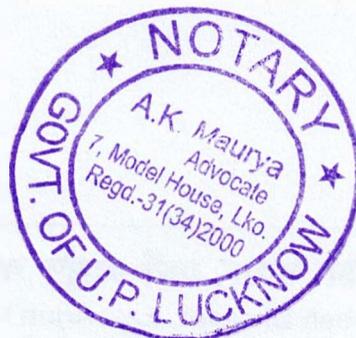


DEPONENT

VERIFICATION

Verified at Lucknow on this 5th day of October, 2023 that the contents of this affidavit based on official record(s) maintained and information available in the office are true and correct, no part of it is false and nothing has been concealed there from.

SWORN & VERIFIED
BY ME

A. K. Maurya
Advocate Notary
7, Model House, Lucknow




DEPONENT

I identify the deponent/executant who has signed/put T.I. before me



SPEED-POST

CPCB/IPC-IV/ROGW

22.09.2023

To,

The Member Secretary
SPCBs/PCCs
(as per the list)

Subject: Harmonization of Classification of Industrial Sectors into Red, Orange, Green and White Categories, regarding sand/river bed material mining activities.

Sir,

This has reference to the CPCB Directions issued u/s 18(1)(b) of the Air and Water Act on 07.03.2016, regarding 'Harmonization of classification of industrial sectors under Red/Orange/Green/White categories', wherein CPCB has categorized 242 industrial sectors into red, orange, green & white categories and directed all SPCBs/PCCs for its adoption and implementation.

Subsequently, CPCB has categorized the additional ten industrial sectors, namely, (i) Scrapping Centre (ii) Used Cooking Oil Collection Centre (iii) Compressed/Refined Biogas (iv) Railway Stations, (v) Dairy Farms & (vi) Gaushalas, (vii) Building and Construction Projects, having built-up area up to 20,000 m² and waste water generation \geq 50 KLD, (viii) Construction and Demolition (C&D) Waste Processing Plants, (ix) Gold Assaying & Hallmarking Centres, and (x) Semi-conductor manufacturing industries.

Now, CPCB has categorized 'Sand/riverbed material mining from riverbed and its floodplains (excluding manual excavation)', the details of which are given at Annexure-I. All SPCBs/PCCs are directed to adopt and implement the same and submit the Action Taken Report within 15 days.

Yours faithfully,

(Bharat Kumar Sharma)
Member Secretary

Encl.: as above.



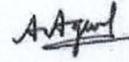
Copy to:

- 1 The Additional Secretary (CP Division)
Ministry of Environment, Forests
& Climate Change,
Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi -110 003
- 2 All Regional Directors,
CPCB
(as per list)
- 3 Div. Head, IPC-II,
CPCB, Delhi
- 4 Div. Head-IT,
CPCB, Delhi

: with a request to upload this letter on
CPCB website



(Bharat Kumar Sharma)



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Annexure-I

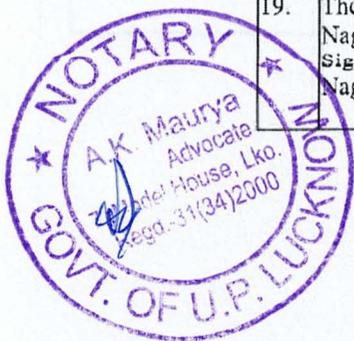
Categorization of sand / riverbed material mining from riverbed and its floodplains (excluding manual excavation)

Sl. No.	Sl. No. (as per CPCB Document)	Non-industrial operations	Category	Remarks
1	63	Sand / riverbed material mining from riverbed and its floodplains (excluding manual excavation)		i. Sand / riverbed material mining from riverbed and its floodplains may cause ecological disturbances, erosion of riverbed, change in hydro-geological conditions & river ecosystem, etc.
		(i) Mining lease area more than 5 hectares or Mining lease area up to 5 hectares which is part of cluster mining	Red	ii. Cluster mining means that the distance of mining lease area is less than 500 m from periphery of another lease area.
		(ii) Standalone mining lease area up to five hectares in areas (not a part of any cluster mining)	Orange	iii. This categorization is made considering the ecological damages and not based on pollution potential/index.

Note: Cluster mining as defined in 'Enforcement & Monitoring Guidelines for Sand Mining, 2020', issued by MoEF&CC.



Address List of Member Secretaries, SPCBs/PCCs	
1. The Member Secretary Andhra Pradesh Pollution Control Board D.No. 33-26-14 D/2, Near Sunrise Hospital, Pushpa Hotel Centre, Chalamvari Street, Kasturibaipet, Vijayawada- 520007 (Andhra Pradesh)	2. The Member Secretary Arunachal Pradesh State Pollution Control Board Paryavaran Bhawan, Yupia Road, Papu Nalah, Naharlagun – 791110 (Arunachal Pradesh)
3. The Member Secretary Assam Pollution Control Board Bamunimaidan, Guwahati – 781021 (Assam)	4. The Member Secretary Bihar State Pollution Control Board Parivesh Bhawan, Plot No.N-B/2, Patliputra Industrial Area Patna-800010 (Bihar)
5. The Member Secretary Chhattisgarh Environment Conservation Board Paryavas Bhawan, North Block, Sector-19 Atal Nagar, Raipur– 492 002 (Chhattisgarh)	6. The Member Secretary Goa State Pollution Control Board Nr. Pilerne Industrial Estate, Opp. Saligao Seminary, Saligao ,Bardez,- 403511(Goa)
7. The Member Secretary Gujarat Pollution Control Board Paryavaran Bhavan, Sector-10A, Gandhinagar– 382043 (Gujarat)	8. The Member Secretary Haryana State Pollution Control Board C-11, Sector 6, Panchkula- 134109 (Haryana)
9. The Member Secretary Himachal Pradesh State Pollution Control Board Paryavaran Bhavan, Phase III, New Shimla – 171009	10. The Member Secretary J&K State Pollution Control Board, Parivesh Bhawan, Forest Complex, Gladni, Narwal, Transport Nagar, Jammu- 180004 Jammu & Kashmir (J&K)
11. The Member Secretary Jharkhand State Pollution Control Board T.A Building, HEC Campus, P.O. Dhurwa Ranchi – 834004 (Jharkhand)	12. The Member Secretary Karnataka State Pollution Control Board Parisara Bhavan, #49, Church Street, Bengaluru – 560 001 (Karnataka)
13. The Member Secretary Kerala State Pollution Control Board Plamoodu, Pattom P.O Thiruvananthapuram-695004 (Kerala)	14. The Member Secretary Maharashtra Pollution Control Board Kalpataru Point, 3rd& 4th floor, Opp. PVR Cinema, Sion Circle (E), Mumbai- 400022 (Maharashtra)
15. The Member Secretary Manipur Pollution Control Board Lamphelpat, Imphal West D.C. Office Complex – 795004 (Manipur)	16. The Member Secretary Mizoram State Pollution Control Board New Secretariat Complex, Khatla, Thlanmual Peng, Aizwal Mizoram- 796001
17. The Member Secretary Meghalaya State Pollution Control Board Arden, Lumpyngngad, Shillong – 793014	18. The Member Secretary Madhya Pradesh State Pollution Control Board Paryavaran Parisar, E-5 Arera Colony Bhopal – 462016
19. The Member Secretary Nagaland State Pollution Control Board Signal Point, Dimapur, Nagaland – 797112	20. The Member Secretary Odisha State Pollution Control Board Paribesh Bhawan A-118, Nilakanta Nagar, Unit –VIII, Bhubaneshwar – 751012.



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21	The Member Secretary Punjab State Pollution Control Board Nabha Road, ITI Rd, Adarsh Nagar, Prem Nagar, Patiala - 147001.	22	The Member Secretary Sikkim State Pollution Control Board Department of Forest, Environment & Wildlife Management Government of Sikkim, Deorali, Gangtok, -737102 (Sikkim)
23.	The Member Secretary Rajasthan State Pollution Control Board A-4 Institutional Area, Jhalane Dungri Jaipur - 302004. (Rajasthan)	24.	The Member Secretary Telangana State Pollution Control Board Paryavaran Bhavan A-3, Industrial Estate, Sanath Nagar, Hyderabad - 500 018 (Telangana)
25	The Member Secretary Tripura State Pollution Control Board Parivesh Bhawan Pt. Nehru Complex, Gorkhabasti P.O., Kunjaban, Agartala, Tripura - 799 006	26	The Member Secretary Tamil Nadu Pollution Control Board No. 76, Mount Salai, Guindy, Chennai - 600032 (Tamil Nadu)
27.	The Member Secretary Uttarakhand Pollution Control Board Gaura Devi Bhawan, 46 B IT Park Sahastradhara, Dehradun- 248001 Uttarakhand	28.	The Member Secretary Uttar Pradesh Pollution Control Board Building No. TC-12V Vibhuti Khand, Gomti Nagar, Lucknow- 226010. (Uttar Pradesh)
29.	The Member Secretary Andaman & Nicobar Islands Pollution Control Committee Department of Science & Technology Dollyganj Van Sadan, Haddo P.O., Port Blair-744102 (Andaman & Nicobar)	30	The Member Secretary Chandigarh Pollution Control Committee Paryavaran Bhawan Madhya Marg, Sector - 19 B, Chandigarh - 160019. Chandigarh
31.	The Member Secretary Delhi Pollution Control Committee 4 th & 5 th Floor, ISBT Building, Kashmere Gate, Delhi - 110006.	32.	The Member Secretary Daman, Diu & Dadra Nagar Haveli Pollution Control Committee 1 st Floor, Udhyog Bhavan Bhenslore, Dunetha Nani Daman, Daman - 396210
33.	The Member Secretary Lakshadweep Pollution Control Committee Lakshadweep Administration Department of Science, Technology & Environment Kavarati - 682555. (Lakshadweep)	34.	The Member Secretary Puducherry Pollution Control Committee Department of Science, Technology & Environment 3rd Floor, Housing Board Complex, Anna Nagar, Nellithope, Puducherry - 605 005
35.	The Member Secretary West Bengal Pollution Control Board Paribesh Bhavan Canteen, 10A, Sector III, Bidhannagar, Kolkata- 700106 West Bengal		



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Copy to :

Address list of Regional Directors, CPCB			
1.	The Regional Director (Kolkata) Central Pollution Control Board 502, Southend Conclave 1582, Rajdanga Main Road Kolkata-700107	2.	The Regional Director (Vadodara) Central Pollution Control Board Parivesh Bhawan, Opp. Ward No. 10 VMC Office Subhanpura, Vadodara - 390 023 Gujarat
3.	The Regional Director (Shillong) Central Pollution Control Board BSNL NE- 1, Telecom Circle CTO Building Ground Floor Shillong-793001	4.	The Regional Director (Bhopal) Central Pollution Control Board 3rd Floor, Sahkar Bhawan North T.T Nagar Bhopal- 462003
5.	The Regional Director (Lucknow) Central Pollution Control Board Ground Floor, PICUP Bhawan Vibhuti Khand, Gomti Nagar Lucknow- 226020	6.	The Regional Director (Bengaluru) Central Pollution Control Board 1st & 2nd Floors, Nisarga Bhawan A-Block, Thimmaiah Main Road 7th D Cross, Shivanagar Opposite Pushpanjali Theatre Bengaluru-560010
7.	The Regional Director (Chandigarh) Central Pollution Control Board BSNL Exchange, 2nd Floor Sector 49-C, Chandigarh-160047	8.	The Regional Director (Chennai) Central Pollution Control Board 77-A, Second Floor South Avenue Road, Ambattur Industrial Estate, Ambattur Taluk, Thiruvallur District, Chennai - 600 058
9.	The Regional Director (Pune) Central Pollution Control Board Row House No. 1, Nisarg Vihar, Near Mitcon International Public School, Balewadi, Pune-411045		

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