

BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI  
Original Application No. 142/2022

**IN THE MATTER OF:**

Jayant Kumar

...Applicant

Versus

Ministry of Environment, Forest, and Climate Change & Ors.

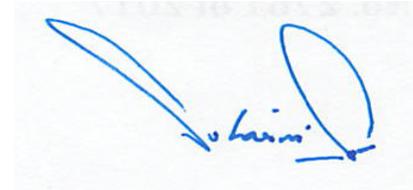
...Respondents

**N.D.O.H.** – 22.05.2024

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**Through**



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New Delhi  
Date: 21.05.2024

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

Original Application No. 142/2022

IN THE MATTER OF

Jayant Kumar

...Appellant(s)



Versus

Ministry of Environment, Forest and

Climate Change & Ors.

...Respondent(s)

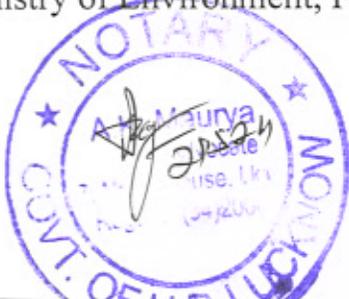
**ADDITIONAL AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE (RESPONDENT**

**No. 1)**

**MOST RESPECTFULLY SHOWETH:**

I, Dr. Amit Kumar Gupta working as Scientist 'E' in the Ministry of Environment, Forest and Climate Change (MoEF&CC), Lucknow, do hereby solemnly affirm and state as under:

1. That I, in my official capacity in the Ministry of 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 official records, and as such I am authorized and competent to swear this affidavit.
2. That, Hon'ble Tribunal vide order dated 18.04.2024 has directed the Ministry of Environment, Forest and Climate Change;



*"33... In view of affidavit filed vide email dated 03.01.2024 MoEF & CC is directed to issue O.M. prohibiting continuance of mining all over India under mining leases executed on the basis of ECs granted by DEIAA after 13.09.2018 with the exception in respect of cases where ECs granted by DEIAA for such mining leases have been reappraised and found valid by SEIAA or fresh ECs have been granted by SEIAA..."*

3. It is submitted that an additional affidavit is being filed in compliance of the direction issued by this Hon'ble Tribunal vide order dated 18.04.2024. The Answering Respondent at this stage craves leave and liberty to file a detailed Counter Affidavit to the aforesaid application, as and when required.
4. It is submitted that, in compliance to the order dated 18.04.2024 passed by the Hon'ble Tribunal the Ministry has issued Office Memorandum dated 07.05.2024 directing;

*"4...In view of the above direction of Hon'ble National Green Tribunal, it is hereby directed that continuance of mining all over India under mining leases executed on the basis of ECs granted by DEIAA after 13.09.2018 is prohibited with the exception in respect of cases where ECs granted by DEIAA for such mining leases have been reappraised and found valid by SEIAA or fresh ECs have been granted by SEIAA..."* A true copy of the O.M dated 07.05.2024 is marked and annexed herein as **ANNEXURE R1/1.**

5. It is therefore most respectfully submitted that in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s).



*Manya*  
**DEPONENT**

**VERIFICATION**

Verified at Lucknow on this 21<sup>st</sup> day of May, 2024 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.

EXECUTION ADMITTED  
BEFORE ME.  
*A.K. Maurya*  
Advocate Notary  
7, Model House, Lucknow

*Amir*  
**DEPONENT**

I identify the deponent/executor:  
who has signed/put T.I. before me  
*S. K. Singh*  
*Advocate*



F. No. IA3-22/11/2023-IA.III (E 208230)  
 Government of India  
 Ministry of Environment, Forest and Climate Change  
 (Impact Assessment Division)

3<sup>rd</sup> Floor, Vayu Wing  
 Indira Paryavaran Bhavan,  
 Jor Bagh Road, New Delhi-110003  
 Dated: 7<sup>th</sup> May, 2024

OFFICE MEMORANDUM

**Subject:** Compliance of order dated 18.04.2024 passed by Hon'ble NGT in O.A.142 of 2022 in the matter of Jayant Kumar vs. Ministry of Environment, Forests and Climate Change - reg.

The Ministry vide OM dated 28.04.2023, in compliance of order dated 07.12.2022 passed by Hon'ble National Green Tribunal (Principal Bench) in O.A.142 of 2022 in the matter of Jayant Kumar vs. Ministry of Environment, Forests and Climate Change, had provided a window period of one year for all SEIAAs to re-appraise the Environmental Clearances (ECs) issued by DEIAA from 15.01.2016 to 13.09.2018 and grant fresh ECs.

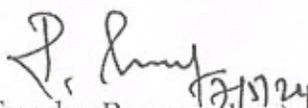
2. Subsequently, based on the representation requesting for extension of time period provided in the OM dated 28.04.2023 mentioned above, the Ministry vide OM dated 15.03.2024 extended the time period for re-appraisal of ECs issued by DEIAA by a further period of six months till 27.10.2024.

3. Now, Hon'ble National Green Tribunal vide order dated 18.04.2024 in O.A.142 of 2022 (*copy enclosed*) mentioned above, has *inter-alia* directed that:

*MoEF&CC is directed to issue O.M. prohibiting continuance of mining all over India under mining leases executed on the basis of ECs granted by DEIAA after 13.09.2018 with the exception in respect of cases where ECs granted by DEIAA for such mining leases have been reappraised and found valid by SEIAA or fresh ECs have been granted by SEIAA.*

4. In view of the above direction of Hon'ble National Green Tribunal, it is hereby directed that continuance of mining all over India under mining leases executed on the basis of ECs granted by DEIAA after 13.09.2018 is prohibited with the exception in respect of cases where ECs granted by DEIAA for such mining leases have been reappraised and found valid by SEIAA or fresh ECs have been granted by SEIAA.

5. This is issued with the approval of the Competent Authority.

  
 (Sundar Ramanathan)  
 Scientist E

Encl: as above.

To

1. The Secretary, Ministry of Mines, Government of India
2. The Chairperson/Member Secretaries of all the SEIAAs/SEACs.
3. The Chairman of all the Expert Appraisal Committees



4. The Chairpersons/Member Secretaries of all SPCBs/UTPCCs.
5. All the officers of IA Division

Copy for information to:

1. PS to Hon'ble MEF&CC
2. PS to Hon'ble MoS, EF&CC
3. PPS to Secretary, EF&CC
4. PPS to AS (TK)/ JS(SKB)
5. Website, MoEF&CC /Guard file

