

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, Pankaj Verma, working as Scientist 'E' in the Ministry of Environment, Forest and Climate Change (MoEF&CC), New Delhi, 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 authorized and competent to swear this affidavit.

2. That, Hon'ble Tribunal vide order dated 04.12.2023 has directed the Ministry of Environment, Forest and Climate Change;

a. *"20... Learned Counsel for respondent no.1-MoEF&CC seek time to file affidavit to clarify the position in respect of mining leases for which EC was granted by DEIAA after 13.09.2018 before the orders were conveyed to all concerned by issuance of O.M. dated 12.12.2018..."*

3. It is submitted that an additional affidavit is being filed in compliance to the direction issued by this Hon'ble Tribunal vide order dated 04.12.2023. 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 of the order passed by the Hon'ble Tribunal, vide dated 13.09.2018, the Ministry of Environment of Forest and Climate Change (MoEF&CC) has issued OM dated 12.12.2018 forwarding the order dated 13.09.2028 of Hon'ble NGT to all the States/UTs for necessary compliance. Further, the Ministry vide OM dated 28.04.2023 has granted validity for one year to mining leases in which



Environmental Clearances granted by DEIAA during the period from 15.01.2016 to 13.09.2018.

5. It is submitted that further, in clarification to OM dated 28.04.2023, the Ministry has issued OM dated 03.11.2023 directing;

*“3... In view of the above, it is further clarified that the ECs granted by DEIAA which are valid as on date shall continue to be valid for one year from the date of issue of OM dated 28.4.2023 unless the validity of the EC granted by DEIAA has lapsed prior to 28.4.2024 or until SEIAA has invalidated the EC granted by DEIAA after carrying out re-appraisal as outlined above, whichever is earlier...”* A true copy of the OM dated 28.04.2023 is marked and annexed herein as

**ANNEXURE R1/1.**

6. In view of the above, it is most respectfully submitted that as per the OM(s) issued by the Ministry as described in Para 4 & 5 above, it is again clarified that all valid ECs granted by DEIAA from 15.01.2016 to 13.09.2018, will continue to be valid for one year from the date of issue of the Ministry's OM dated 28.04.2023 subject to the compliance of the conditions prescribed therein. Further, the ECs granted after 13.09.2018 to be governed by the Hon'ble NGT's order dated 13.09.2018.

7. That, in view of the aforementioned facts and circumstances, this Hon'ble Tribunal may kindly be pleased to pass appropriate order(s).

*Pankaj Verma*

**DEPONENT**

(PANKAJ VERMA)

वैज्ञानिक 'ई'/Scientist 'E'

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

Min. of Environment, Forest and Climate Change

भारत सरकार, नई दिल्ली

Govt. of India, New Delhi

**VERIFICATION**

Verified at New Delhi on this            day of            , 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.

**DEPONENT**

*Pankaj Verma*

(पंकज वर्मा)

(PANKAJ VERMA)

वैज्ञानिक 'ई'/Scientist 'E'

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

Min. of Environment, Forest and Climate Change

भारत सरकार, नई दिल्ली

Govt. of India, New Delhi

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

3rd Floor, Vayu Wing  
Indira Paryavaran Bhawan  
Jor bagh Road, Aliganj  
New Delhi - 110 003

Date: 3<sup>rd</sup> November, 2023

**OFFICE MEMORANDUM**

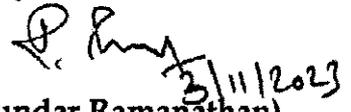
**Subject: Clarification with reference to Ministry's OM dated 28.04.2023 in Compliance of order dated 07.12.2022 passed by Hon'ble NGT in O.A.142 of 2022 in the matter of Jayant Kumar vs. Ministry of Environment, Forest and Climate Change - reg.**

This is with reference to the Ministry's OM dated 28.04.2023, wherein the Ministry has directed that, all valid Environmental Clearances (ECs) issued by DEIAA shall be reappraised through SEAC/SEIAA in compliance of the order of the Hon'ble NGT in O.A.142 of 2022. It was also directed that all concerned SEACs shall re-appraise the ECs issued by DEIAAs between 15.01.2016 and 13.09.2018 (including both dates) and all fresh ECs in this regard shall be issued by SEIAAs based only after such appraisal. The re-appraisal by SEIAA shall be completed within a time period of one year from the date of issue of OM dated 28.04.2023.

2. In this regard, the Ministry has filed an affidavit before the Hon'ble NGT on 25.05.2023 in OA No. 142 of 2022 in the matter of Jayant Kumar Vs. MoEFCC & Ors., stating that all valid ECs granted by DEIAA from 15.01.2016 to 13.09.2018, will continue to be valid for one year from the date of issue of the Ministry's OM dated 28.04.2023 subject to the compliance of the conditions prescribed therein.

3. In view of the above, it is further clarified that the ECs granted by DEIAA which are valid as on date shall continue to be valid for one year from the date of issue of OM dated 28.4.2023 unless the validity of the EC granted by DEIAA has lapsed prior to 28.4.2024 or until SEIAA has invalidated the EC granted by DEIAA after carrying out re-appraisal as outlined above, whichever is earlier.

4. This is for necessary action and compliance please.
5. This is issued with the approval of the Competent Authority.

  
(Sundar Ramanathan)  
Scientist 'E'

To

1. Chairman/Member Secretary, CPCB.
2. Chairperson/Member Secretaries of all the State/UT, PCBs/PCCs
3. Chairperson/Member Secretaries of all the EACs.
4. Chairperson/Member Secretaries of all the SEIAAs/ SEACs.
5. All Officers of IA Division

Copy to:

1. PS to Hon'ble MEFCC
2. PS to Hon'ble MoS (EF&CC)
3. Sr PPS to Secretary (EF&CC)
4. Sr PPS to DGF&SS (EF&CC)
5. Sr PPS to AS(TK)/Sr PPS to JS(SKB)
6. Website, MoEF&CC/Guard File