

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)

INDEX

<u>Sl.N</u> <u>o.</u>	<u>Particulars</u>	<u>Page</u> <u>No.</u>
1	ADDITIONAL AFFIDAVIT ON BEHALF OF THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE (RESPONDENT No. 1)	1-3
2	<u>ANNEXURE R1/1</u> A COPY OF THE OFFICE MEMORANDUM DATED 07.11.2023 ISSUED BY MOEF&CC, GOVERNMENT OF INDIA.	4-10

S. Chandra

SOMESH CHANDRA JHA

Advocate for Respondent No.1

Flat No. 405, Nilgiri Apartments,

9, Barakhamba Road

New Delhi-110001

Mob:+91-9999374946

E-mail: advocatescjha@gmail.com

NEW DELHI

DATED: 20/11/2023

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

Original Application No. 176/2022

IN THE MATTER OF:

Aman Chaudhary

Versus

Union of India and Ors.

...Appellant(s)

...Respondent(s)

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 Dr. 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:

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



985

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

2. That, the Hon'ble National Green Tribunal, vide order dated 17.10.2023 in Para 3 has directed the Ministry of Environment, Forest and Climate Change to file additional affidavit regarding compliance in respect of issuance of O.M. in terms of order dated 30.05.2023. Additional affidavit by respondent no. 1-MoEF & CC be filed within one month by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

3. That, in compliance to the order dated 30.05.2023 and 17.10.2023 passed by the Hon'ble Tribunal, Ministry of Environment, Forest and Climate Change has issued an Office Memorandum dated 07.11.2023, directing all the SPCBs/PCCs to adopt and implement the guidelines dated 22.09.2023 issued by the Central Pollution Control Board (CPCB) with regard to categorization of Sand/riverbed material mining from riverbed and its floodplains (excluding manual excavation)'. A copy of the Office Memorandum dated 07.11.2023 is marked and annexed herewith as Annexure- **NOT**

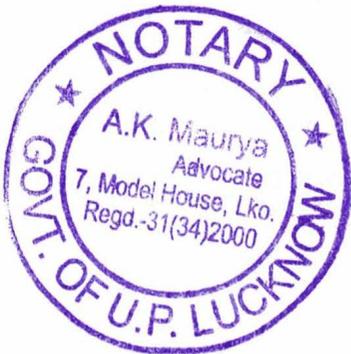


SN

4. 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.

gh

DEPONENT



VERIFICATION

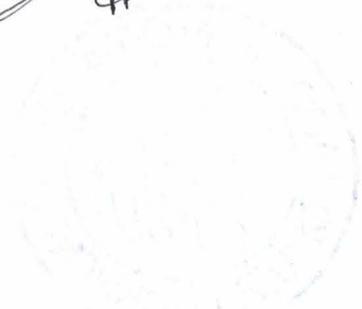
Verified at Lucknow on this 17th day of November, 2023 that the contents of this affidavit based on official record(s) maintained and information available in the office are true and correct, no part of it is false and nothing has been concealed there from.

gh

DEPONENT

SWORN & VERIFIED BY ME
A. K. Maurya
Advocate Notary
7, Model House, Lucknow

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



F. No. IA-L-11011/102/2022-IA-II (M) - NCM
Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

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

Date: 7th Nov. 2023

OFFICE MEMORANDUM

Subject: Compliance of the order dated 30.05.2023 passed by the Hon'ble National Green Tribunal, New Delhi in Original Application No. 176/2022 in the matter of Aman Chaudhary Vs. UOI & Ors. -reg.

The Hon'ble National Green Tribunal vide order dated 30.05.2023 has directed the Ministry of Environment, Forest and Climate Change 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.

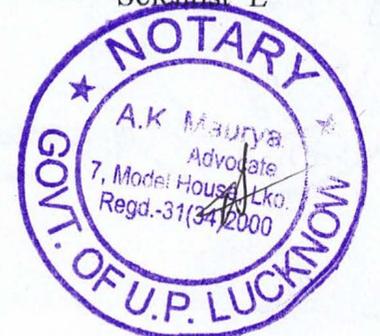
2. The Central Pollution Control Board (CPCB) vide letter dated 22.09.2023 has categorized, Sand/riverbed material mining from riverbed and its floodplains (excluding manual excavation)'. (copy enclosed)
3. In this regard, all SPCBs/PCCs are directed to adopt and implement the same.
4. This issues with the approval of the competent authority.

Encl: As above

To:

The Chairpersons/Member Secretaries of all SPCBs/UTPCCs

Pankaj Verma
(Pankaj Verma)
Scientist 'E'





केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT FOREST & CLIMATE CHANGE GOVT OF INDIA

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 w/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.

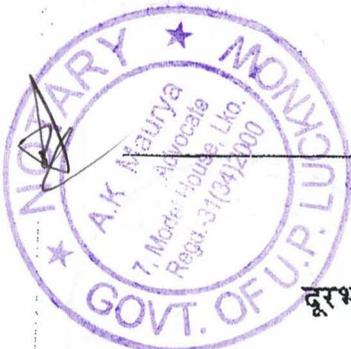
Sh

Page 1 of 2

'परिवेश भवन' पर्वी अर्जुन नगर, दिल्ली-110032

Parivesh Bhawan, East Arjun Nagar, Delhi-110032

दूरभाष/Tel : 43102030, 22305792, वेबसाइट/Website : www.cpcb.nic.in

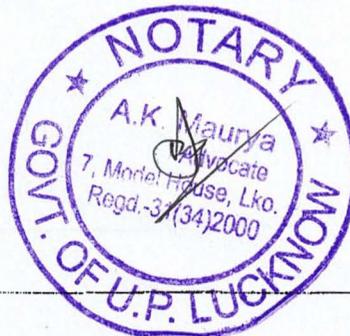


Copy to:

- 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)



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

SI. No.	SI. 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.

SN



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, Bhubaneswar - 751012.

sh



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 Bhawan A-3, Industrial Estate, Sanath Nagar, Hydrabad - 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, Udhog Bhawan Bhenslore, Dumetha 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 Bhawan Canteen, 10A, Sector III, Bidhannagar, Kolkata- 700106 West Bengal		

SN



993

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		

sh

