

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 756 of 2023

IN THE MATTER OF:
SACHIN TYAGI

...APPLICANT

VERSUS

RITESH SHARMA & ANR.

...RESPONDENT(S)

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NEW DELHI

DATED: 09.07.2026



(PRADEEP MISRA & DALEEP DHYANI)

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ORIGINAL APPLICATION NO. 756/2023

IN THE MATTER OF:
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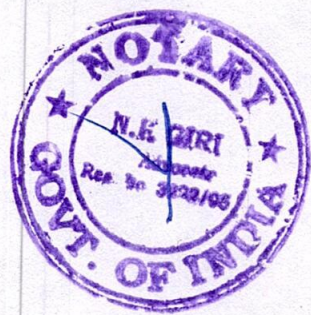
VERSUS

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...RESPONDENT(S)

ADDITIONAL AFFIDAVIT ON BEHALF OF UTTAR PRADESH
POLLUTION CONTROL BOARD

I, Rajendra Prasad, S/o. late Shri Vishnu Ram, aged about 59 years, Regional Officer, Uttar Pradesh Pollution Control Board, Meerut, U.P. do hereby solemnly affirm and declare as under:



1. That I in the abovenoted capacity, am well conversant with the facts and records of the present case, hence am competent to swear this affidavit.
2. That the abovenoted matter came up for hearing on 20.03.2026 when the following order was passed:

"1. The response affidavit on behalf of the Respondent No. 5-Project Proponent dated 19.03.2026 has been filed.

2. Learned Counsel appearing for the UPPCB submits that it's a long response affidavit running in 598 pages and seeks time to examine and respond to the same.

3. The prayer is allowed.

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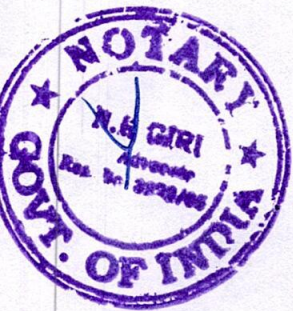
4. List on 14.07.2026.”

3. That in view of above order, the present affidavit is being filed.
4. That this Hon'ble Tribunal vide order dated 27.02.2026 has given opportunity to Respondent No. 5 to file affidavit. The relevant part of the said order is as follows:

“10. Thus, we are of the view that an opportunity of hearing is required to be given to the Respondent No. 5 on the issue of imposition of environmental compensation on the basis of calculation which has already come on record.

11. Hence, the counsel for the Respondent No. 5 is granted three weeks' time to file a response/objection to the above calculation of the environmental compensation.”

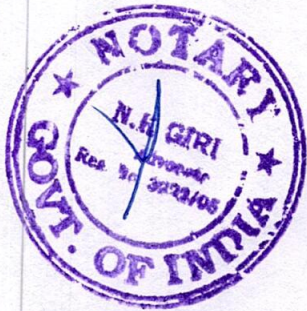
5. That pursuant to the said liberty granted by this Hon'ble Tribunal, Respondent No. 5 has filed response dated 19.03.2026 (Pages 619-1174). In the said affidavit Respondent instead responding to the calculation submitted by UPPCB has challenged the very concept of imposing environmental compensation by the UPPCB.
6. That UPPCB has imposed the environmental compensation as per the methodology adopted by CPCB dated 29.01.2000 which has been formulated by CPCB in pursuance of the



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directions issued by this Hon'ble Tribunal in O.A. No. 360 of 2015; National Green Tribunal Bar Association Vs. Virendra Singh (State of Gujarat) vide order dated 05.04.2019.

7. That the contention of Respondent No. 5 in its response dated 19.03.2026 is that the said formula adopted by CPCB was a ad hoc arrangement and respective State Pollution Control Board have to calculate the Environment Compensation, looking to the actual degradation of environment. The further contention of Respondent No. 5 is that the UPPCB has taken risk factor as 1 i.e. severe and not taking any other value like mild, moderate and significant which was further contended that CPCB has also issued "general framework for imposing damage compensation in December, 2022" which is also not statutory. It is also contended that in view of decision of Hon'ble Supreme Court in Civil Appeal No. 757-760 of 2013; DPCC Vs. Lodhi Property Company Ltd. till the Rules are framed, compensation cannot be imposed.



8. That the UPPCB very humbly submits that the CPCB after analysis has adopted a formula for imposition of environmental compensation in the matter of illegal mining and that methodology/formula has been approved by this Hon'ble Tribunal. Hence, till any Rules are framed or a further formula is evolved either by CPCB or by MoEF & CC, the formula will be applicable.

9. That it is submitted that mining is categorized in Red Category by CPCB and illegal mining will have severe

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adverse effect on environment, hence the UPPCB has correctly taken risk factor as 1 i.e. severe.

10. That it is further submitted that Hon'ble Supreme Court vide order dated 21.05.2026 in Civil Appeal No. 757-760 of 2013; DPCC Vs. Lodhi Property Company Ltd. has permitted the State Pollution Control Boards to impose the Environmental Compensation. A copy of the said order is being enclosed herewith and marked as **Annexure-1**.

11. That Respondent No. 5 has further contended that against the judgment and order dated 06.08.2025 passed by this Hon'ble Tribunal Respondent No. 5 has preferred Civil Appeal No. 12932 of 2025 and Hon'ble Supreme Court vide order dated 07.11.2025 has stayed the impugned judgment, hence the proceedings must await the decision of Hon'ble Supreme Court. It is submitted that in the said case mining operation by Respondent No. 5 were stayed by this Hon'ble Tribunal on the ground that leases in respect of village Chhaprauli Khadar and Kotana were granted without valid DSR in respect of the said area. This Hon'ble Tribunal has also directed that environmental compensation be imposed against Respondent No. 5. The operative Para of the said judgment reads as follows:

"124. In the result, respondent 6 is restrained from carrying out mining activities in respect of the mining leases in question having obtained the said mining permission in absence of any valid DSR in respect of the questioned areas. For the mining activities carried out by respondent 6 illegally on the basis of illegal



DN

mining permissions, it will also be liable to pay environmental compensation. For the purpose, we direct UPPCB to collect the relevant material that is quantum of mineral extracted by respondent 6, the sale price of mineral and other relevant material/information and then determine the amount of environmental compensation for the period of past violations in respect of illegal mining causing damage to environment after giving due opportunity of hearing to the concerned parties in accordance with law and recover the same expeditiously. The amount of environmental compensation so computed and recovered from respondent 6 shall be utilised for rejuvenation/restoration of damage caused to environment in accordance with Rejuvenation Plan which shall be prepared within two months by a Committee comprising District Magistrate, Baghpat; UPPCB; and Central Pollution Control Board wherein District Magistrate, Baghpat shall be the Nodal Authority.



125. With the above directions, this OA is disposed of. Pending IA also shall stand disposed of."

Hon'ble Supreme Court on Appeal being preferred by Respondent No. 5 vide order dated 07.11.2025 has stayed the said order (Page 693). Thus the pendency of the said Civil Appeal has nothing to do with the present case.

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The above facts are being placed for kind consideration of this Hon'ble Tribunal.

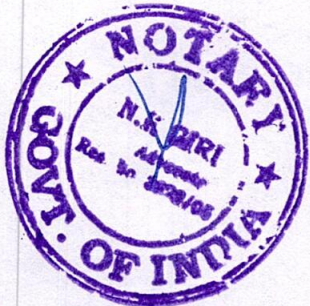

DEPONENT

VERIFICATION

I, the abovenamed deponent do hereby verify that the contents of above affidavit are true to my knowledge. No part of the same is false and nothing material has been concealed therefrom.

VERIFIED ON THIS THE 8th DAY OF JULY, 2026 AT MEERUT, U.P.


DEPONENT



ATTESTED NOTARY
N. K. GRI
Advocate, Meerut
Reg. No. 3222/05

ITEM NO.31

COURT NO.6

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 757-760/2013

D.P.C.C.

Appellant(s)

VERSUS

UNION OF INDIA THROUGH SECRETARY,

Respondent(s)

[MS. SHIBANI GHOSH AND MR. NINAD LAUD, ADVOCATES ARE APPOINTED AS
AMICI CURIAE]

IA No. 225827/2025 - INTERVENTION/IMPLEADMENT

WITH

C.A. No. 1977-2011/2013 (XIV-A)

IA No. 205979/2025 - INTERVENTION/IMPLEADMENT

Date : 21-05-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Appellant(s) Ms. Shibani Ghosh, Adv. (AC)
Mr. Ninad Laud, Adv. (AC)

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Anupam Misra, Adv.
Mr. Suraj Singh, Adv.
Mr. Dinesh Jindal, Adv.

For Respondent(s) Mr. Archana Pathak Dave, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Harshita Choubey, Adv.
Mr. Kamal Digpaul, Adv.
Mr. Bhuvan Kapoor, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. By our judgment and order dated 04.08.2026, we had given the
following directions:-

"35. To ensure that the Boards impose
restitutionary and the compensatory
environmental damages in a fair transparent,

nonarbitrary manner, with procedural certainty, necessary subordinate legislation in the form of rules and regulations must be notified. This shall include methods by which environmental damage is determined, and the consequent quantum of damages are assessed. They may also incorporate certain basic principles of natural justice for fairness in action. At present environmental damages are being levied by the Boards on the basis of certain guidelines issued by the Central Pollution Control Board in its document "General framework for imposing environmental damage compensation" issue in December, 2022. These guidelines seem to have been issued pursuant to the directions of the NGT (Pursuant to the NGT in its order in O.A. No. 606/2018 dated 24.04.2019). It is important that these guidelines are reviewed thoroughly and issued in the form of Rules and Regulations. This will enable declaration of a law that applies and ensures its recognition and easy implementation."

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"39(c) it is further directed that the power to impose or collect restitutionary or compensatory damages or the requirement to furnish bank guarantees as an ex-ante measure under Sections 33A and 31A of the Water and Air Acts shall be enforced only after 37 detailing the principle and procedure incorporating basic principles of natural justice in the subordinate legislation."

2. The above directions should not be understood to mean that the regulators, being the Pollution Control Boards cannot proceed to impose and collect the compensatory environmental damages in the absence of subordinate legislation, on the subject.
3. This clarification is necessary because the learned Amicus Curiae have brought to our notice that certain High Courts have been passed interim orders staying proceedings for imposition and collection of environmental compensation, only for the reason that there is no Subordinate Legislation on the subject.
4. We reiterate that High Courts will not stay proceedings for imposition and collection of environmental compensation only for the reason that subordinate legislation is not made and issued on the subject.
5. List on 10.08.2026.

(SWETA BALODI)
ASTT. REGISTRAR-cum-PS

(NIDHI WASON)
ASSISTANT REGISTRAR