



उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड⁷²
UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ सं० H96699/C-2/NGT-07/2023
Ref. No

दिनांक 3-7-23
Date

To,

The Registrar,
Hon'ble National Green Tribunal,
Copernicus Marg, New Delhi.
E-mail - judicial-ngt@gov.in

Subject: Submission of Joint Committee report in compliance of directions issued by Hon'ble NGT vide order dated 24.04.2023 in Original Application No. 56/2021 Parth Mishra Applicant Versus Ministry of Environment, Forests and Climate Change & Ors..

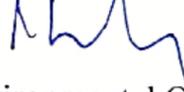
Sir,

In compliance of Hon'ble NGT order dated 24.04.2023 in the matter of Original Application No. 56/2021 Parth Mishra Applicant Versus Ministry of Environment, Forests and Climate Change & Ors., the Joint Committee report is being filed herewith.

It is requested that the aforesaid Joint Committee Report may be presented before the Hon'ble Tribunal for kind consideration.

Encl: As above.

Yours faithfully,


Chief Environmental Officer
Circle-2



क्षेत्रीय कार्यालय : उ० प्र० प्रदूषण नियंत्रण बोर्ड,
34ए, निकट संत तुलसी पब्लिक स्कूल, न्यू बिल्डिंग, इन्दिरा नगर गेट नं० 2
बाँदा उ०प्र०-210001

संदर्भ संख्या : 303 /ओ०ए० सं०-56/2021/एनजीटी/पार्थ मिश्रा/2023

दिनांक : 30/06/2023

सेवा मे,

मुख्य पर्यावरण अधिकारी (वृत्त-2),
उ०प्र० प्रदूषण नियंत्रण बोर्ड,
लखनऊ।

विषय: माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा ओ०ए० सं०-56/2021 पार्थ मिश्रा बनाम पर्यावरण, वन एवं जलवायु परिवर्तन, मंत्रालय व अन्य में दिनांक 24.04.2023 को पारित आदेश के अनुपालन के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा ओ०ए० सं०-56/2021 पार्थ मिश्रा बनाम पर्यावरण, वन एवं जलवायु परिवर्तन, मंत्रालय व अन्य में दिनांक 24.04.2023 को पारित आदेश के अंश निम्नवत है-

“...2. Considering the above, it appears necessary to seek response from a joint Committee of District Magistrate Hamirpur and State PCB. The State PCB will be the nodal agency for coordination and compliance. The report may be filed within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. A copy of the report be also furnished to the PP who may file its response, if any, before the next date.

List for further consideration on 28.07.2023

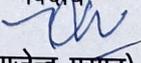
A copy of this order be forwarded to the District Magistrate, Hamirpur and the State PCB for compliance.....”

जनपद- हमीरपुर में बेतवा नदी के खण्ड नं०- 24/14, ग्राम- चिकासी, जनपद- हमीरपुर में मै० दिशा इंटरप्राइजेज के पट्टाधारक द्वारा खनन किये जाने विरुद्ध आवेदक/शिकायतकर्ता श्री पार्थ मिश्रा द्वारा की गयी शिकायत में अंकित तथ्यों की जाँच हेतु माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा ओ०ए० संख्या- 284/2023 में पारित उक्त आदेश के अनुपालन में संयुक्त जांच समिति द्वारा उक्त उल्लिखित खनन स्थल का निरीक्षण दिनांक 02.06.2023 को किया गया।

संयुक्त जांच समिति की हस्ताक्षरित संयुक्त जांच निरीक्षण आख्या मा० राष्ट्रीय हरित अधिकरण की ई-मेल आई डी judicial-ngt@gov.in पर अपलोड किये जाने हेतु संलग्न कर आपके अवलोकनार्थ एवं अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित।

संलग्नक:- यथोपरि

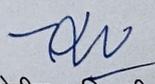
भवदीय


(राजेन्द्र प्रसाद)
क्षेत्रीय अधिकारी

पू०सं० सम दिनांकित:

प्रतिलिपि : निम्नलिखित को संलग्नक सहित सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. जिलाधिकारी महोदय, हमीरपुर को सादर सूचनार्थ।
2. सदस्य सचिव महोदय, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।
3. विधि अधिकारी (प्रथम), उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।
4. अपर जिलाधिकारी (वि०/रा०), हमीरपुर।
5. खान अधिकारी, भूतत्व एवं खनिकर्म विभाग, हमीरपुर।


क्षेत्रीय अधिकारी

012

JOINT INSPECTION REPORT IN REFERANCE TO HON'BLE NGT ORDER IN THE MATTER OF ORIGINAL APPLICATION NO-56/2021 (I.A. No. 70/2021, 71/2021 &77/2021), PARTH MISHRA VERSUS MINISTRY OF ENVIRONMENT, FOREST AND CLIMENT CHANGE AND ORS.

1. Background

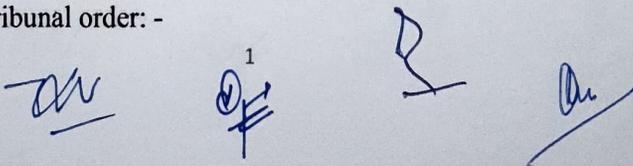
Hon'ble National Green Tribunal, Principal Bench, New Delhi passed order on dated 24.04.2023 in O.A. No- 56/2021 (I.A. No70/2021, 71/2021 &77/2021), the matter of Parth Mishra versus Ministry of Environment, Forest and Climent Change and others. The operative part of the order is as follows: -

"...1. Grievance in this application is against violation of environmental norms in the matter of morrum mining in the river bed of Betwa river, Tehsil Sarila, District Hamirpur, UP, by Respondent no. 7 – Md. Ashfaque Mohammed Munshi Khan, Proprietor M/s Disha Enterprise, the project proponent (PP). It is stated that the PP does not have requisite EC or CTE/CTO. Mining is being carried out in the river bed against norms. No replenishment study has been carried out. Heavy machinery is being used.

2. Considering the above, it appears necessary to seek response from a joint Committee of District Magistrate Hamirpur and State PCB. The State PCB will be the nodal agency for coordination and compliance. The report may be filed within two months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. A copy of the report be also furnished to the PP who may file its response, if any, before the next date.

List for further consideration on 28.07.2023....."

2. In compliance of direction issued by Hon'ble National Green Tribunal following members have been nominated in Joint Committee by the concern departments regarding compliance of above Hon'ble National Green Tribunal order: -



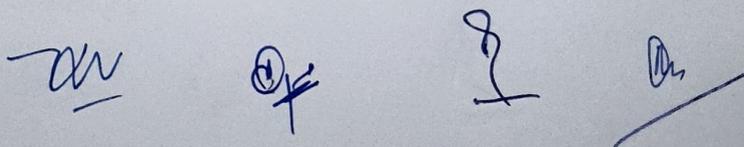
Sr. No	Name	Designation	Member nominated by
1	Shri Ramesh Chandra	ADM(F/R), District - Hamirpur	District Magistrate, Hamirpur
2	Shri Subhash Singh	Mines Officer, District - Hamirpur	
3	Shri P. S. Rambaran	Mines Inspector, District - Hamirpur	
4	Shri Rajendra Prasad	Regional Officer, U.P. Pollution Control Board, Banda	UPPCB

3. The nominated Joint Committee member carried out field visit around mining place Khand No- 24/14, Village- Chikasi, Tehsil- Sarila, District- Hamirpur (M/s Disha Enterprises) as mentioned in O.A. no- O.A. No- 56/2021 on dated 02.06.2023. The aforesaid lease hold area is in the river- Ken in District – Hamirpur.

The aforesaid lease hold area Khand No- 24/14, Village- Chikasi, Tehsil- Sarila, District- Hamirpur (M/s Disha Enterprises) was not found operational at the time of committee visit. It has been informed by the Mine Office Hamirpur that mining is not being done since 01.07.2020 in aforesaid lease hold area.

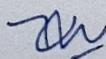
4. Lease hold area Khand No- 24/14, Village- Chikasi, Tehsil- Sarila, District- Hamirpur (M/s Disha Enterprises) on River Betwa is allotted to lessee - Sri Mohammad Ashfaque, Sri Munsif, R/o H.No- 28/46, 2nd Floor, Khatija Bai Building, Tank St (V. K. Marg) Choti Masjid, Nagpada, Mumbai Central, District- Mumbai via registered lease agreement for 5 years from dated 06.12.2018 to 05.12.2023.

The details of permission issued by concern department given is below: -

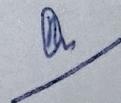


Address of lease	Co-ordinate of Lease area of mentioned in Environmental Clearance	Sanction Detail of lease
Khand No-24/14, Village-Chikasi, Tehsil-Sarila, District-Hamirpur (M/s Disha Enterprises)	(A) 25° 50' 7.46" N, 79° 28' 7.83" E (B) 25° 50' 16.56" N, 79° 28' 17.05" E (C) 25° 50' 23.14" N, 79° 28' 28.44" E (D) 25° 50' 13.44" N, 79° 28' 38.82" E (E) 25° 49' 55.99" N, 79° 28' 22.34" E	<ol style="list-style-type: none"> 1. Letter of intent issued vide letter dated 24.07.2018. 2. Letter of cluster issued vide letter dated 30.07.2018, 11.09.2018. 3. Letter of mining plan issued vide letter dated 24.08.20218. 4. Environmental Clearance issued by SEIAA vide letter dated 24.11.20218. 5. Lease Area- 36.437 hectare, Mineable Area- 32.497 hectare, Mineable Capacity- 728640 Cub. Meter/Annum (2650 Cub. Meter/day) 6. Lease Deed Execution issued vide letter dated 06.12.2018. 7. Sanction tenure of lease mining – 5 years 8. Environmental Clearance dated 24.11.2020 revoked by SEIAA vide letter dated 19.11.2019. 9. Letter of cluster issued vide letter dated 16.12.2019. 10. Operation of impugned order(s) dated 17.12.2019 passed by Hon'ble NGT stayed by Hon'ble Supreme Court of India vide order dated 23.01.2020. 11. TOR for Environmental Clearance issued by SEIAA vide letter dated 31.03.2020.

5. Allegation was done by applicant that mining is being carried out after quashing the Environmental Clearance in compliance of order passes by Hon'ble NGT. TOR has been issued to respondent no-7 while matter is pending before Hon'ble NGT. Violated and misused by the Form MM-11 and TOR by respondent no-7 for carrying out of illegal mining activities without obtaining EC.




3

During the committee visit, mining work was found closed in aforesaid lease hold area Khand No- 24/14, Village- Chikasi, Tehsil- Sarila, District- Hamirpur (M/s Disha Enterprises). It has been informed by the Mine Office Hamirpur that mining is not being done since dated 01.07.2020 in aforesaid lease hold area.

6. According to information provided by Mines Officer, Hamirpur, the detail of the carried out of mining in aforesaid lease hold area since dated 06.12.2018 to 02.07.2023 is as below. **Annexure-1**

Year	Mining Period	Mining operation days (In number)	Mined mineral quantity (In cubic meter)
2018	06.12.2018 – 05.12.2019	202	248984
2019	06.12.2019 – 05.12.2020	120	196421
2020	06.12.2020 – 05.12.2021	Mining closed	Mining closed
2021	06.12.2021 – 05.12.2022	Mining closed	Mining closed
2022	06.12.2022 – 02.07.2023	Mining closed	Mining closed

7. In compliance of Hon'ble National Green Tribunal impugned order dated 25.09.2019 related to Appeal No. 263 of 2018 and with Appeal No- 264 of 2018: Amit Upadhyay Vs State Level Environment Impact Assessment Authority and Oths, issued Environmental Clearance via letter dated 24.11.2018 was revoked by SEIAA vide letter dated 19.11.2019. **Annexure-2**

8. The DMO informed that the Environmental Clearance issued to M/s Disha Enterprises was revoked by SEIAA on 19.11.2019 in compliance to Hon'ble NGT order in the matter of Appeal No. 263/2018 (Amit Upadhyaya Vs SEIAA). While, referring the mentioned order, it is evident that the

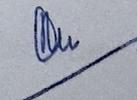
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Environmental Clearance issued to the projects listed in the matter was quashed by Hon'ble NGT vide its order dated 25.09.2019. M/s Disha Enterprises is part of the list of the projects mentioned in that order. However, Hon'ble Supreme Court of India give stay to the order of Hon'ble NGT order via order dated 13.01.2020 in Civil Appeal No(s). 54 – 55/ 2020: State of U.P. Vs Amit Upadhyay and Oaths. **Annexure-3**. The operative part of the order is as follows: -

“..... Until further orders, there shall be a stay of operation of the impugned order (s) dated 17.12.2019 passed by the National Green Tribunal, Principal Bench, New Delhi, in Appeal Nos. 263 and 264 of 2018....”

9. The DMO informed that after passing the stay of operation of Hon'ble NGT order, mining was permitted to lessee of M/s Disha Enterprises.
10. As per information provided by Mine Office, Hamirpur regarding production, mined material quantity is less than the quantity mentioned in lease agreement and Environmental Clearance.
11. It is informed by the Mining Officer, Hamirpur that as per information available on Online Portal, lease mining was operated between since 06.12.2018 to 30.06.2020 except EC quashing period.
12. It was informed by the Mining Officer, Hamirpur that the MM11 is not issued between the period quashing period of EC dated 19.11.2019 by SEIAA to passing the stay of operation of Hon'ble NGT order by Hon'ble Supreme Court of India order dated 13.01.2020. It is also informed by the Mining Officer, Hamirpur that after stay the operation of Hon'ble NGT order, the mining was permitted to lessee on the basis of old Environmental Clearance.



13. It is informed by the Mining Officer, Hamirpur that replenishment study has been done for aforesaid lease mining.

14. In compliance of direction issued by Hon'ble National Green Tribunal, observation of non-compliance of Environmental Clearance and CTE/CTO are given as below: -

14.1) Issues related to Cluster Mining

14.1.1) As per record provided by District Mining Officer (DMO), cluster certificate has been issued to this mining project. In the cluster certificate issued by the Mining Department two number mining projects are situated within the distance of 500 m from the mining lease.

14.1.2) In the cluster certificates issued by the Mining Department, two numbers of mining projects are situated within the distance of 500 m from the concerned mining lease. Lease area of the adjacent is 72.874 Hac and Total lease area including the mining project is 109.437 hectare.

14.1.3) *As per The Ministry of Environment, Forest and Climate Change Notification dated 14th August, 2018, if, Cluster of mine leases of area ≥ 25 hectares with individual lease size ≤ 100 ha in that case requirement of Form -I, PFR, DSR and Approved Mine Plan and one EIA/EMP for all leases in the Cluster has been imposed.*

14.1.4) Following conditions have been mentioned under the heading of 'specific conditions' in the ECs issued to these project

If in future this lease area becomes part of cluster of equal to or more than 25 ha. then additional conditions based on the EIA shall be imposed. The lease holder shall mandatorily follow cluster conditions otherwise it will amount to violation of E.C. conditions. If the certificate

related to cluster provided by the competent authority Is found false or incorrect then punitive actions as per law shall be Initiated against the authority issuing the cluster certificate.

In case it has been found that the E.C. obtained by providing incorrect information, submitting that the distance between the two adjoining mines is greater than 500 mt. and area is less than 25ha, but factually the distance is less than 500 mt and the mine Is located in cluster of area equal or more than 25ha, the E.C issued will stand revoked

14.2) Issues related to in-stream mining

During the committee visit, mining work was found closed in aforesaid lease hold area Khand No- 24/14, Village- Chikasi, Tehsil- Sarila, District- Hamirpur (M/s Disha Enterprises) hence in – stream mining could not verify.

14.3) Issues related to excess mining and use of heavy machinery

14.3.1) As per information provided by the Mining Department, mined material quantity in lease year 2018-2019 is 248984 cubic meter and in lease year 2019- 2020 is 196421 cubic meter, those quantity are less than allotted mineral quantity- 728640 cubic meter per annum in lease deed. carrying out material excavation in the mining lease was not higher than the permitted annual quantity.

14.3.2) Due to close the mining operation during the committee visit, use of heavy machinery in mining work could not verified.

14.4) Issues related to illegal mining

As per information provided by the Mining Department, mined material quantity in lease year 2018-2019 and 2019- 2020 are

less than allotted mineral quantity in lease deed. Due to close the mining visit in lease area aforesaid during the committee, illegal mining operation could not verify.

14.5) Compliance of EC conditions.

14.5.1) In the EC issued to these projects, the condition prescribed as *“All necessary statutory clearances shall be obtained before start of mining operations. If this condition is violated, the clearance shall be automatically deemed to have been cancelled.”*

14.5.2) Under Section 25 of Water (P&CP) Act 1974, the restrictions on new outlets and new discharges are imposed without obtaining valid Consent from the State Pollution Control Board. The referred section of the Act is reproduced below.

“1[(1)] Subject to the provisions of these section, no person shall, without the previous consent of the State Board, --

(a) Establish or take any steps to establish any industries, operations or process or any treatment and disposal system or an extension or addition thereto, which is likely to discharge sewage or trade effluent into stream or well or sewer or on land (such discharge being hereafter in this section referred to as discharge of sewage);”

14.5.3) However, mining projects had not valid consents under Water & Air Acts at the time of commencement of production.

14.5.4) The following condition prescribed in the EC has not been complied by these lease holders.

14.5.4.1) *The green cover development/tree plantation is to be done in an area equivalent to 20% of total lease area either on river bank or along road side (Avenue Plantation)*

14.5.4.2) However, no such planned plantation has been observed along the approach road sides.

14.5.4.3) *Vehicular emissions shall be kept under control and regularly monitored. The vehicles carrying the minerals shall not be overloaded.*

14.5.4.4) Whereas the mining office has issued several penalties to project for overloading which indicates the said condition is not been followed.

14.5.4.5) *Permission from the competent authority regarding evacuation route should be taken*

14.5.4.6) The details of such permission are not available.

14.5.4.7) The conditions mentioned regarding environmental Audit, environmental statement etc. are also not been strictly complied with.

14.6) Compliance of Consent conditions

14.6.1) Mining project had not valid consent (CTO) at the time of commencement of the production.

14.6.2) The mining lease holder was been done 322 days mining without valid CTO between since 06.12.2018 to 30.06.2020. The mining project has not obtained the consents under the Water & Air Acts from the UPPCB for previous operational period.

14.6.3) As per information provided by the Mine Office Hamirpur the mining is not being done since dated 01.07.2020 in aforesaid lease hold area. During the committee visit, mining work was found closed.

9

14.7) Status of Corporate Social Responsibility (CSR) and Corporate Environmental Responsibility (CER).

14.7.1) Under corporate social responsibility a sum of 5% of the total project cost or total income whichever is higher is to be earmarked for total lease period. Its budget is to be separately maintained. CER component shall be prepared based on need of local habitant. Income generating measures which can help in upliftment of poor section of society, consistent with the traditional skills of the people shall be identified, the program can include activities such as development of fodder farm, fruit bearing orchards, free distribution of smokeless Chula etc.

14.7.2) However, no details are available with the mining office regarding the CSR activities carried out by the project proponents.

15. During the committee visit, mining work was found closed and of lease mining area was found unleveled. It was found that post mining environment restoration plan was done by lessee.

16. Conclusion

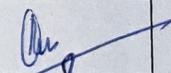
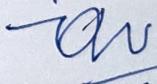
Considering the observations as listed above the following measure are suggested.

16.1) The mining production should not be allowed without obtaining valid consents under Water and Air Acts from SPCB.

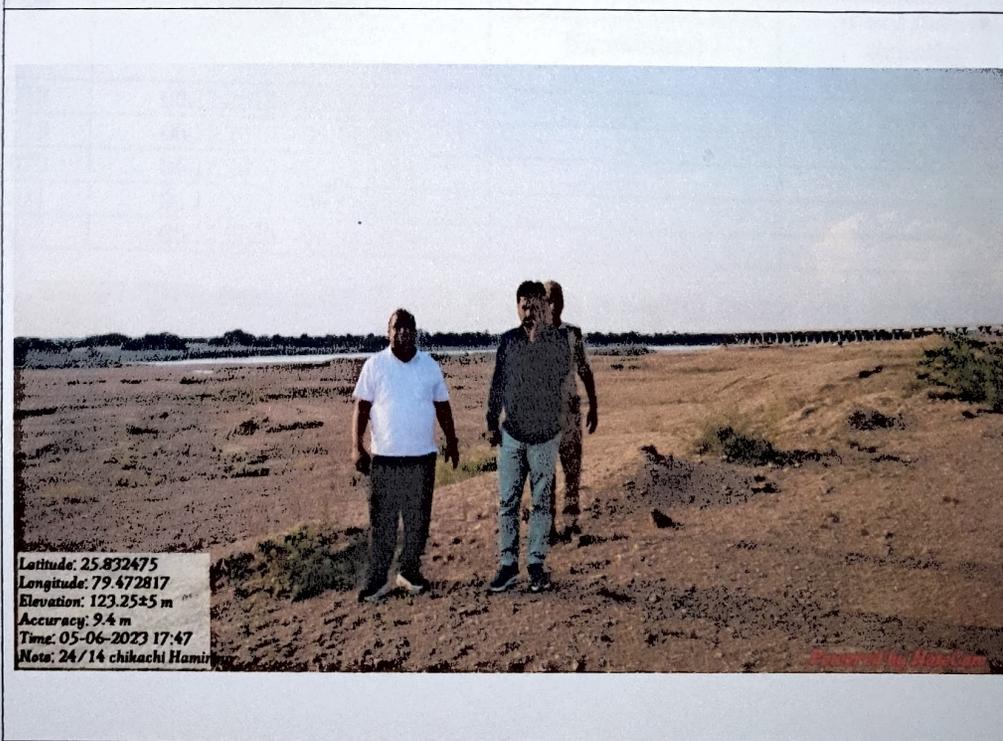
16.2) The mine area across the river course should not be allotted to avoid the in – stream mining.

10

- 16.3) Strict vigilance and stringent action are required to be taken for stopping the illegal mining.
- 16.4) The mine work should be allowed as per the provision of EMGSM 2020 of Ministry of Environment, Forest and Climate Change January 2020 and mining plan submitted by Lessee.
- 16.5) Post mining environmental restoration activity should be completed after closing the mining before start monsoon season.

Joint Committee Members	Designation	Signature
Shri Ramesh Chandra	ADM(F/R), District - Hamirpur	
Shri Subhash Singh	Mines Officer, District - Hamirpur	
Shri P. S. Rambaran	Mines Inspector, District - Hamirpur	
Shri Rajendra Prasad	Regional Officer, U.P. Pollution Control Board, Banda	 30.06.2023

DATE - 30.6.2023



M/s Disha Enterprises, Khand No. 24/14, Vill. Chikasi, Teh. Sarila, Dist. Hamirpur(River Betwa)

[Handwritten signatures and marks]

प्रेषक,

खान अधिकारी,
हमीरपुर।

सेवा में,

क्षेत्रीय अधिकारी,
उ०प्र० प्रदूषण नियन्त्रण बोर्ड,
34ए, निकट संत तुलसी पब्लिक स्कूल,
न्यू बिल्डिंग, इन्दिरा नगर, गेट नं०-2
बोंदा उ०प्र०।

संख्या-463/खनिज-एम०एम०सी-तीस-विविध (2023-24)

दिनांक-20-06-2023

विषय- माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा ओ०ए० संख्या-56/2021 पार्थ मिश्रा बनाम स्टेट आफ उ०प्र० व अन्य में दिनांक-24.04.2023 को पारित आदेश के क्रम में मै० दिशा इण्टर प्राईजेज खण्ड संख्या-24/14 ग्राम चिकासी जनपद हमीरपुर के सम्बन्धी संचालन संयुक्त जांच समिति को वांछित सूचना के सम्बन्ध में।

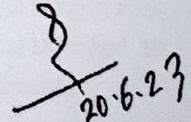
महोदय,

कृपया उपर्युक्त विषयक अपने पत्र संख्या-257/ओ०ए० संख्या-56/2021/एन.जी.टी./पार्थ मिश्रा/2023 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा ओ०ए० संख्या-56/2021 पार्थ मिश्रा बनाम स्टेट आफ उ०प्र० व अन्य में मा० न्यायालय के आदेश दिनांक-24.04.2023 के अनुपालन में मै० दिशा इण्टर प्राईजेज खण्ड संख्या-24/14 ग्राम चिकासी के संचालन एवं खनन की गयी मात्रा सम्बन्धी सूचना निम्नलिखित प्रारूप पर उपलब्ध कराये जाने के निर्देश दिये गये हैं :-

Year	Mining period	Mining operation days (In number)	Mined mineral quantity (In cubic meter)
2018	06.12.2018 - 05.12.2019	202	248984
2019	06.12.2019 - 05.12.2020	120	196421
2020	06.12.2020 - 05.12.2021	-	-
2021	06.12.2021 - 05.12.2022	-	-
2022	06.12.2020 - 02.07.2023	-	-

उपरोक्त सूचना Online portal से प्राप्त किया गया है। कृपया अवगत होने का कष्ट करें।

भवदीय,



(सुभाष सिंह)
खान अधिकारी,
हमीरपुर

State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

Vineet Khand-1, Gomi Nagar, Lucknow - 226 010

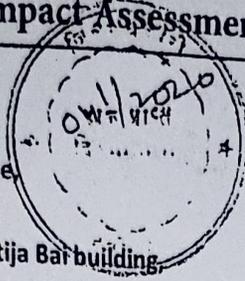
Phone : 91-522-2300 541, Fax : 91-522-2300 543

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.in

To,

Shri Mohammed Ashfaque
Owner,
H.No- 28/46, 2nd Floor, Katija Bar building,
Tank St(V.K. Marg) Choti Masjid,
Nagpada, Mumbai central,
District- Mumbai, Maharastra.

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ADM/MO

24/11/2019
Date: 24/11/2019
Hamirpur

Ref. No. 400/Parya/SEAC/4528-4439/2018

Date: 24/11/2019

Sub: Environmental Clearance for Riverbed Sand/Morrum Mining Project from Betwa River at Khand No. 24/14, Village-Chikasi, Tehsil-Sarila, District-Hamirpur, Uttar Pradesh, (Leased Area - 36.437 ha), M/s Disha Enterprises.

Dear Sir,

Please refer to above caption letter no. 528/Parya/SEAC/4528-4439/2018 dated 24/11/2018 issued by SEIAA UP through which prior Environmental Clearance was granted for Sand/Morrum Mining Project from Betwa river at Khand No. 24/14, Village-Chikasi, Tehsil-Sarila, District-Hamirpur, Uttar Pradesh, (Leased Area - 36.437 ha), M/s Disha Enterprises, along with certain specific and general condition.

A joint meeting of SEIAA/SEAC was held on 23/10/2019 for the compliance of Hon'ble NGT impugned order dated 25/09/2019 related to Appeal No. 263 of 2018 and with Appeal No. 264 of 2018: Amit Upadhyay Vs State Level Environment Impact Assessment Authority and Ors. Wherein, the Authority and the Committee members noted that after declaration of Hon'ble NGT order dated 25/09/2019 related to Appeal No. 263 of 2018 and with Appeal No. 264 of 2018: Amit Upadhyay Vs State Level Environment Impact Assessment Authority and Ors. Member Secretary, State Level Environment Impact Assessment Authority has already sent letter for the compliance of the Hon'ble NGT order dated 25-09-2019 to DGM, UP and to the respective District Magistrates. Vide letter no. 297/Parya/SEIAA/ Appeal No. 263 & 264 of 2018/NGT Compliance/18 dated 19 October, 2019. In the Joint meeting the following operative para of the order was discussed:-

...*"For the aforesaid reasons, we hold unhesitatingly that the ECs granted to all the mining leases fail to satisfy the requirement of the EIA Notification 2006, directions issued by the Hon'ble Supreme Court in Deepak Kumar (supra), the Sustainable Sand Mining Management Guidelines, 2016 and the various Office memorandums issued by the MoEF&CC in relation thereto. The ECs, therefore, deserve to be quashed and is accordingly ordered so."*

It was unanimously decided that all the concerned 36 ECs in question may be revoked immediately by the SEIAA to comply Hon'ble NGT order.

Hence, in view of the above the EC Issued vide letter no. 528/Parya/SEAC/4528-4439/2018 dated 24/11/2018 is being hereby revoked and no more stands valid.

This is for your information and necessary action in accordance with provision of EIA notification 2006 (as amended)

(Ashish Tiwari)

Member Secretary, SEIAA

Ref. No...../Parya/SEAC/4528-4439/2018 Dated: As above

Copy for Information and necessary action to:

1. The Principal Secretary, Environment, U.P. Govt., Lucknow.
2. Advisor, IA Division, Ministry of Environment, Forests & Climate Change, Govt. of India, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi.
3. Additional Director, Regional Office, Ministry of Environment & Forests, (Central Region), Kendriya Bhawan, 5th Floor, Sector-H, Aliganj, Lucknow.
4. The Member Secretary, U.P. Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow.
- ✓ 5. District Magistrate, Hamirpur, U.P.
6. Director, Department of Geology & Mining, U.P. Lucknow.
7. Copy for Web Master/Guard file.

(Ashish Tiwari)

Member Secretary, SEIAA

Annex 89

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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).54-55/2020

STATE OF U.P.

Appellant(s)

VERSUS

AMIT UPADHAYA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.2805/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.2807/2020-STAY APPLICATION)

With Civil Appeal Diary No.46704/2019

(IA No.3682/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.3684/2020-STAY APPLICATION and IA No.3683/2020-PERMISSION TO FILE APPEAL)

Date : 13-01-2020 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SURYA KANT

For Appellant(s)

Mr. Ranjit Kumar, Sr. Adv.
Mr. Abhishek Yadav, AOR
Mr. Saurabh Yadav, Adv.

Mr. Pradeep Misra, AOR
Mr./Ms. Charu Signal, Adv.
Mr. Suraj Singh, Adv.

For Respondent(s)

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

Permission to file the appeal(s) being Civil Appeal Diary No.46704/2019 is granted.

Issue notice.

Until further orders, there shall be a stay of operation of the impugned order(s) dated 17.12.2019 passed by the National Green Tribunal, Principal Bench, New Delhi, in Appeal Nos.263 and 264 of 2018.

(SANJAY KUMAR-II)
REGISTRAR MASTER (SH)

Digitally signed by
Sanjay Kumar II
DN: cn=Sanjay Kumar II,
o=Supreme Court of India,
ou=Registrar Master (SH),
email=Sanjay.Kumar.II@scj.nic.in,
c=IN

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR

(Copy of this Order be given today)