

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
OA. No. 1115/2024

In the matter of:

News Item titled "Rampant mining causes Joshimath-like crisis in Uttarakhand's Bageshwar" appearing in 'India Today' dated 14.08.2024

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Filed by Adv. Amit Singh Chauhan
(On behalf on Central Pollution Control Board)

Place: Delhi
Dated: 09.12.2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, DELHI**

Original Application No. 1115 of 2024

In the matter of:

News Item titled "Rampant mining causes Joshimath-like crisis in Uttarakhand's Bageshwar" appearing in 'India Today' dated 14.08.2024

**REPLY ON BEHALF OF THE RESPONDENT NO. 1 CENTRAL
POLLUTION CONTROL BOARD ("CPCB")**

1. That Hon'ble NGT vide Order dated 30.08.2024 impleaded the Central Pollution Control Board (hereinafter referred as CPCB) as Respondent no. 1. Thereby, the reply is made in succeeding paragraphs.
2. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and Control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and Control of Pollution) Act, 1974, The Air (Prevention and Control of Pollution) Act, 1981, and The Environment (Protection) Act, 1986.

PRELIMINARY SUBMISSIONS:

3. That it is humbly submitted before this Hon'ble Tribunal that the State Department of Mines and Geology is the authority in the respective State for dealing with the allotment of mining leases under the Mines and Minerals (Development and Regulation) Act 1957 (hereinafter referred as "MMDR Act") and is entrusted with the enforcement and regulation of mining operations in a



State including illegal mining. Under Section 23(c) of the Mining and Mineral (Development & Regulation) Act 1957, the State Governments are empowered to make rules for grant of prospecting licenses or mining leases in respect of minor mineral and making rules for preventing illegal mining, transportation and storage of minerals and therefore can make necessary policy and implement necessary enforcement measures.

4. That it is further humbly submitted that as per the Environmental Impact Assessment Notification - 2006 (hereinafter referred to as "EIA"), Category 'A' projects including expansion and modernization of existing project shall require Environmental Clearance (hereinafter referred to as "EC") from MoEF&CC on the recommendations of Expert appraisal committees (EAC) and Category 'B' projects require EC from the State Level Environment Impact Assessment Authority (SEIAA) on the recommendations of State Level Expert Appraisal Committee (SEAC).
5. That the MoEF&CC vide Notification bearing no. S.O. 1886 (E) dated 20.04.2022 has delegated the power to the State Level Environment Impact Assessment Authority (hereinafter referred as "SEIAA") to grant Environmental Clearances to all minor mineral mining project.
6. That the MoEF&CC vide another Notification bearing no. S.O. 637 (E) dated 28.02.2014 has delegated the power to SEIAA to issue Show Cause Notice to project proponent in case of violation of the conditions of the environment clearances issued by the said Authorities to projects or activities within their jurisdiction.



7. That accordingly, the mining projects should obtain prior Environmental Clearance from the concerned Authority and should also obtain Consent (establish/operate) from the concerned SPCB/PCC and the mining projects need to comply with the conditions stipulated in the EC and Consent. The compliance of Environment Clearance and consent conditions is to be ensured by respective SPCB.
8. That it is humbly submitted that the instant matter is related to the concerned State Agencies and enforcement/implementation of various provision of Uttarakhand Minor Mineral Concession Rule, 2023 and Uttarakhand Mineral Rules, 2021.
9. That the subject matter of news item pertains to the State of Uttarakhand, thereby, CPCB communicated to UKPCB on 24.10.2024 and email dated 14.11.2024 to provide a report However, the report is awaited. Copy of communication dated 24.10.2024 and e-mail 14.11.2024 are annexed herewith and marked as Annexure No. 1.
10. The answering respondent No. 1 craves leave of this Hon'ble Tribunal for filing additional reply, if required, in future.
11. That, in light of the above submission, it is respectfully submitted that this Answering respondent i.e. CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble tribunal in the instant OA and render justice.




(Nazimuddin)
Scientist 'F'

Central Pollution Control Board

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, DELHI**

Original Application No. 1115 of 2024

In the matter of:

News Item titled "Rampant mining causes Joshimath-like crisis in Uttarakhand's Bageshwar" appearing in 'India Today' dated 14.08.2024

AFFIDAVIT

I, Nazimuddin, working as Scientist 'F' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 1, in the above matter, do hereby solemnly affirm, declare on oath and state as under :-

1. That I, the deponent herein is the authorized representative to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records, and hence, I am competent to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the records maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



Nazimuddin

DEPONENT

नाज़िमउद्दौन / Nazimuddin
वैज्ञानिक 'एफ' / Scientist 'F'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(M/o Environment, Forest And Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION

Verified at Delhi on this day of _____ 2024 that the contents of the above reply are correct and true on the basis of the record of the cases as mentioned in the day to day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.



hag
DEPONENT

नाज़िमउद्दीन / Nazimuddin
वैज्ञानिक 'एफ' / Scientist 'F'
केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
(पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Ministry of Environment, Forest and Climate Change, Govt. of India)
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

ATTESTED
R.M.
NOTARY PUBLIC
GOVT. OF INDIA

09 DEC 2024



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11

Speed Post/ Email

CM-13011/277/2024-LAW-HO-CPCB-HO

Date: 24.10.2024

To

The Member Secretary,
Uttarakhand Pollution Control Board,
Gaura Devi Bhawan, 46 B, IT Park,
Sahastradhara, Dehradun 248001.

Sub: Compliance of Hon'ble NGT-PB order dated 30.8.2024 in O.A. No. 1115/2024

Sir,

Hon'ble NGT-PB has suo motu registered the news item titled "Rampant mining causes Joshimath-like crisis in Uttarakhand's Bageshwar" appearing in India Today dated 14.08.2024 as an Original Application. The news item is about Bageshwar District of Uttarakhand resulting in Joshimath-like situation in Kanda area, where cracks have appeared in homes, temples, fields, and roads due to mining activities.

Hon'ble NGT-PB has impleaded CPCB, UKPCB, RO-MoEF&CC (Dehradun) and District Magistrate, Bageshwar, as respondent and issued notice for filing the response by way of affidavit and has listed the matter for next hearing on 11.12.2024.

You are requested to provide a report in this regard comprising factual status and action taken by the concerned authorities, at the earliest, preferably within 15 days.

Yours faithfully,

(Signature)
24/10/2024
(Nazimuddin)

Director & Divisional Head-IPC-II

Copy to:

1. The Regional Director, Central Pollution Control Board,
PICUP Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow - 226010

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Fwd: Compliance of Hon'ble NGT-PB order dated 30.8.2024 in O.A. No. 1115/2024

ME

Me <vkupadhyay.cpcb@gov.in>

Thu, 14 Nov 2024 2:43:41 PM +0530

To "msukpcb" <msukpcb@yahoo.com>

Cc "Nazim Uddin" <nazim.cpcb@nic.in>, "CPCB LUCKNOW" <rdlucknow.cpcb@gov.in>, "Puneet Tyagi" <puneettyagi.cpcb@gov.in>

Email – Reminder

To

The Member Secretary,
Uttarakhand Pollution Control Board,
Gaura Devi Bhavan, 46 B, IT Park,
Sahastradhara, Dehradun-2480001

Sub: Compliance of Hon'ble NGT-PB order dated 30.08.2024 in O.A. No. 1115/2024.

Ref: CPCB letter No. CM-13011/277/2024-LAW-HO-CPCB-HO, dated 24.10.2024.

Sir,

This has reference to the above mentioned letter and trailing e-mail dated 24.10.2024, wherein it is requested to provide a report in the matter. The same is still awaited.

It is once again requested to provide a report in this regard comprising factual status and action taken by the concerned authorities, at the earliest,

Yours faithfully,

Nazimuddin
Director & Divisional Head-IPC-II

Copy to:

1. The Regional Director, Central Pollution Control Board,
PICUP Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow – 226010

=====
Forwarded message =====
From: Puneet Tyagi <puneettyagi.cpcb@gov.in>

To: "msukpcb" <msukpcb@yahoo.com>

Cc: "Nazim uddin" <nazim.cpcb@nic.in>, "CPCB RD LUCKNOW" <rdlucknow.cpcb@gov.in>, "VINAY UPADHYAY" <vkupadhyay.cpcb@gov.in>

Date: Thu, 24 Oct 2024 19:24:34 +0530

Subject: Compliance of Hon'ble NGT-PB order dated 30.8.2024 in O.A. No. 1115/2024

==== Forwarded message =====



2 Attachment(s) • [Download as Zip](#) • [Add To](#) >



CPCB Letter dated 24.10.20... .pdf
271.5 KB •



NGT order dt_30.08.2024_O... .pdf
112.7 KB •

Item No. 04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 1115/2024

News Item titled "Rampant mining causes Joshimath-like crisis in Uttarakhand's Bageshwar" appearing in India Today dated 14.08.2024

Date of hearing: 30.08.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

ORDER

1. This original application is registered *suo motu* based on the news item titled "Rampant mining causes Joshimath-like crisis in Uttarakhand's Bageshwar" appearing in 'India Today' dated 14.08.2024.

2. The news item relates to the rampant mining in Bageshwar District of Uttarakhand resulting in the Joshimath-like situation in the Kanda area, where cracks have appeared in homes, temples, fields, and roads. As per the news item, the villagers initially supported talc mining for the jobs it provided. However, as mining intensified with heavy machinery, the damage worsened, and villagers now fear for their homes' safety. The article states that mining continues in the area despite numerous complaints, putting the entire region at risk. There has been no safety audit or involvement of geological experts to assess the damage. A 1,000-year-old Kalika temple is also at risk due to nearby mining activities. Cracks have appeared in the temple premises, with locals attributing the damage to a chalk mine just 50 meters away. It alleges the temple's historical and religious significance, noting its central role in worship and the local economy for centuries. Furthermore, it is alleged that the Kalika temple has been a central religious site, with the local economy

depending on it and its visitors. Locals have established small eateries and shops for devotees, and the temple's deteriorating condition directly affects their livelihoods. Farming and religious tourism, the main income sources in this sparsely populated area, are now threatened by rampant mining. The article highlights that many locals are now demanding relocation due to the severe impact of talc mining. It claims that there has been no visible government effort to address the situation or help those affected. Most residents have invested their life savings in their homes, which are now threatened by unchecked mining.

3. The news item raises substantial issues relating to compliance with environmental norms.

4. The power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

5. Hence, we implead the following as respondents in the matter:

- (1). Central Pollution Control Board, through its Member Secretary, Parivesh Bhawan, East Arjun Nagar, Delhi-110032.
- (2). Uttarakhand Pollution Control Board, through its Member Secretary, Gaura Devi Bhawan, 46 B IT Park Sahastradhara, Dehradun, Uttarakhand – 248 001
- (3). Ministry of Environment, Forest and Climate Change, through its Regional Office, Integrated Regional Office, 25, Subhash Road, Dehradun – 248001.

(4). District Magistrate, Bageshwar, Collectorate Bageshwar
Uttarakhand – 263642.

6. Issue notice to the above respondents for filing their response/reply by way of affidavit before the Tribunal at least one week before the next date of hearing. If any respondent directly files the reply without routing it through his advocate, then the said respondent will remain virtually present to assist the Tribunal.

7. List on 11.12.2024.

Prakash Shrivastava, CP

Dr. Afroz Ahamd, EM

August 30, 2024
Original Application No. 1115/2024
dv

**VAKALATNAMA
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 1115/2024

News Item titled "Rampant mining causes Joshimath-like crisis in Uttarakhand's Bageshwar" appearing in India Today dated 14.08.2024

KNOW ALL to whom these present shall come that I, **Avanish Nath Tripathi, Senior Law Officer & Divisional Head (Law)**, do hereby appoint **Advocate Amit Singh Chauhan** herein after called Advocate to be my Advocate in the above noted case and authorize him:

To act appear and plead in the above noted case in this Court or in any other Court in which the same be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each court by me.

To sign file, verify and present pleadings, appeals, cross-objections or petitions for executions, review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of said case in all its stages subject to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw, or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings on paying separate fee.

To deposit, draw and receive money, cheques, cash and grant receipts hereof and to do all other act and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

And I the undersigned do hereby agree not to hold the Advocate responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I the undersigned do hereby agree that in the event of the whole or any part to the fee agreed by me to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the said is paid up. The fee settled is only for the above case and above Court. I hereby agree that once the fee is paid, I will not be entitled for the refund of the same in any case whatsoever.

IN WITNESS WHERE OF I do hereunto set my hand to these presents the contents of which have been understood by me this 28th day of October, 2024.

Accepted subject to the terms of the fees.

Accepted

Advocate

Client



D/1652/2009

अवनीश नाथ त्रिपाठी / **Avanish Nath Tripathi**
 वरिष्ठ विधि अधिकारी एवं प्रमाण प्रमुख (विधि) / **Senior Law Officer & Divisional Head (Law)**
 केंद्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
 (M/o Environment, Forest & Climate Change, Govt. of India)
 परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
 Parivesh Bhawan, East Arjun Nagar, Delhi-110032