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

I.A. No. 442 of 2025

IN

APPEAL NO. 45 of 2025

VIPIN KUMAR SAXENA

...APPLICANT

VERSUS

SEIAA & ANR

...RESPONDENTS

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Through



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STANDING COUNSEL**

FOR SEIAA, STATE OF U.P.

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Mob.: 8800656660

Date: .09.2025

Place: New Delhi

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**REPLY ON BEHALF OF THE BEHALF OF RESPONDENT No. 1- STATE LEVEL
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY**

MOST RESPECTFULLY SHOWETH

1. That the answering Respondent deny each and every statement, contention, submission, allegation, and/or averment made by the Appellant in the complaint, which is contrary to or inconsistent with the present reply or the records of the case. It is categorically stated that all such statements, submissions, or averments made by the Appellant that are inconsistent with what is submitted in this reply are denied in totality, except those which are specifically and expressly admitted hereinafter. Furthermore, it is submitted that any omission to deny any of the averments made by the

Appellant should not be construed as an admission on the part of the answering Respondents, and no adverse inference should be drawn from such omissions.

PRELIMINARY SUBMISSIONS

2. Ministry of Environment and Forest, Govt. of India through its notification dated 14/09/2006 (as amended) has made it mandatory to obtain Prior Environmental Clearance prior to establishment or expansion of any such project or activity which is listed in the schedule of notification.

Environmental clearance shall be required for:

- a) All new projects or activities listed in the Schedule to this notification.
- b) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- c) Any change in product-mix in an existing manufacturing unit included in Schedule beyond the specified range.
- d) Objective of this process is to impose certain restrictions and prohibitions on new projects or activities, or on the

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Expansion or modernization of existing projects or activities based on their potential environmental impacts.

3. The environmental clearance shall be taken from Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level, the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity. The State Environment Impact Assessment Authority (SEIAA) shall base its decision on the recommendations of a State level Expert Appraisal Committee (SEAC).
4. The SEIAA and SEAC, Uttar Pradesh have been constituted by Ministry of Environment and Forest & CC, Govt. of India vide notification bearing no. S.O 3338(E) dated 16.10.2017 and subsequently reconstituted through notification bearing no. S.O. 2276(E) dated 11/06/2021 issued by the Ministry of Environment, Forest & Climate Change has been dissolved on 10-6-2025 and reconstituted on 26-08-2025.
5. Directorate of Environment, Govt. of U.P. has been declared to function as Secretariat to these statutory bodies i.e. SEIAA and SEAC by State Government.
6. All such project proposals received to the SEIAA, UP for Prior Environmental Clearance are dealt according to the EIA Notification, 2006 (as amended).

Reply on Merits:

7. That it is most respectfully submitted that the reply on behalf of the Member Secretary, SEIAA, Uttar Pradesh, along with the supporting affidavit, has already been filed in compliance with the Order dated 21.01.2025 passed by the Hon'ble National Green Tribunal in O.A. No. 08 of 2025 (Vipin Kumar Saxena Vs. State of Uttar Pradesh &Ors.). Since the same forms part of the record, the said submissions are not being reiterated herein for the sake of brevity.
8. That it is most respectfully submitted that, the Hon'ble National Green Tribunal in I.A Nos. 359/2025 & 353/2025 In Original Application No. 8/2025 O.A. No. 08 of 2025 (Vipin Kumar Saxena Vs. State of Uttar Pradesh &Ors.) by order dated 23.05.2025 has directed the applicant, Shri. Vipin Kumar Saxena as follows:-

"XXX

XXX

XXX

13. The above material establishes that the order of cancellation of EC was duly conveyed to the Applicant, and it was also uploaded in the public portal. Therefore, the applicant cannot deny its knowledge. Hence we find that the Applicant had falsely stated in the additional Affidavit dated 29.01.2025 that he had not received the order of cancellation of EC dated 12.12.2024.

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Thus, we find that the Applicant has not approached the Tribunal with clean hands and has unnecessarily wasted not only the time of the Tribunal but has also caused harassment to the Respondents.

14. In these circumstances, this OA is dismissed with the cost of Rs. 25000/- to be paid by the Applicant to SEIAA, UP within two weeks.

15. All the pending IAs in the matter are also stand disposed of."

9. That it is also humbly reiterated, that SEIAA, U.P., is a statutory body constituted under the Environmental Impact Assessment (EIA) Notification, 2006, with the primary responsibility of evaluating and granting Environmental Clearances (ECs) to projects falling within its jurisdiction. The project proposals procedurally received to the SEIAA, UP for Prior Environmental Clearance are dealt according to the EIA Notification, 2006 (as amended thereof).

10. That it is most humbly reiterated, that, procedurally online application made by the project proponent, Shri. Vipin Kumar Saxena on prescribed website portal <https://environmentclearance.nic.in> of Ministry of Environment, Forest and Climate Change on 22.09.2020 regarding prior Environmental Clearance for the Proposed Sand/Morrum Mining from Dhasan Riverbed at Gate No. 1419 Kh Khand No.- 01, Village- Dhamnaud, Tehsil- Garautha ,District- Jhansi U.P., (Leased

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Area – 24.00 Ha). Vide MoEF&CC Proposal No SIA/UP/MIN/56882/2020 wherein Address for the correspondence column the project proponent has specifically mentioned his name Vipin Kumar Saxena, R/o-MIG-A/135, Aashiyana Prtham, and The & Distt. Moradabad, UP-244001, E-mail address- ***saxenavipin82@gmail.com***. Hence the communications has been done on the provided address.

11. That the Respondent respectfully submits that they remains at the disposal of this Hon'ble Tribunal and shall abide by and ensure strict compliance with any further orders or directions that may be passed in the matter.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to:

- i. Dismiss the present Interlocutory application with Exemplary cost
- Or
- ii. Pass any such other order as may deem fit.

Through



**PRIYANKA SWAMI, ADVOCATE L
STANDING COUNSEL**

FOR SEIAA, STATE OF U.P

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AFFIDAVIT

I, **Vidhyotma Bharti**, aged about 49 years W/o Dr. G.L. Nigam is presently posted as **Assistant Director, Regional Office, Noida, Directorate of Environment, U.P.** having an office at E-12/1, Noida, U.P, presently at New Delhi.

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit on behalf of **Member Secretary SEIAA**, before this Tribunal.

2. That the reply on behalf of **State Level Environment Impact Assessment Authority** to the above-mentioned Appeal has been drafted by our counsel upon the official records.

3. That the contents of the accompanying reply are true and correct, and the knowledge has been derived from official records and nothing material has been concealed therefrom.



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V. Chasthi

DEPONENT

VERIFICATION

Verified on solemn affirmation at New Delhi on the 09 SEP 2025 day of 2025 that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been Concealed therefrom.

I identified the deponent who has signed in my presence

certified That The Deponent
 Shri / Smt. /KM : Vidhya Bhanu Bhanu
 S/o, W/o R.o.....
 I identified by Shri / Smt..... Has Solemnly
 affirmed- before me in Delhi on.....
 Sl. No. 1326/2025 that the contents of the affidavit
 Which have been read & explained to him are true
 connect to his knowledge

V. Chasthi

DEPONENT

09 SEP 2025

ATTESTED

[Signature]
**NOTARY PUBLIC
 (INDIA)**