

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
AT NEW DELHI

APPEAL NO. 53 OF 2020

IN THE MATTER OF:

Ravi Kumar

... Appellant

**-VERSUS-**

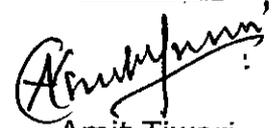
Ministry of Environment, Forest And Climate  
Change & Ors.

...Respondents

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Dated: 08.03.2021

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REPLY ON BEHALF OF STATE LEVEL ENVIRONMENT IMPACT  
ASSESSMENT AUTHORITY, UTTAR PRADESH.

RESPECTFULLY SHOWETH: -

PRELIMINARY OBJECTIONS: -

1. The appellant has no locus to challenge ECs granted by answering respondent. The appellant is resident of District Lakhimpur Kheri while the impugned ECs are in respect of projects situated in District Banda. It is submitted that District Banda is more than 300 kms. from District Lakhimpur Kheri. It is submitted that the captioned appeal has been filed under section 18 of The National Green Tribunal Act, 2010. It is submitted that appellant is not an aggrieved person in terms of section 18(2) of the said Act. Hence, he has no *locus standi* to file the appeal.

2. The appeal is barred by limitation. The 2 impugned ECs were granted on 06.03.2020, 1 on 15.05.2020 and the appeal has been filed on 23.11.2020 which is beyond the period of limitation. Hence, the appeal is barred by limitation.

### **BRIEF FACTS**

1. It is submitted that appellant has challenged 4 ECs issued to four different projects. It is submitted that answering respondent complied with the provisions of notifications issued by MoEF & CC, Govt. of India while issuing ECs to projects. The details of entire process as stipulated in law are as follows:

a. EC No. 675/Parya/SEIAA/4871-5461/2019—It is submitted that an online application was preferred by Sh. Manish Kumar Gupta on 06.07.2019 seeking issuance of ToR for proposed Sand Mining on Yamuna Riverbed, Gata No. 2/4, 2/23, 2/24 & 2/28, Khand No. 3, Village – Bendakhadar, Tehsil & District – Banda for lease area of 21 ha. The same was considered by SEAC in its meeting dt.25.07.2019 and by SEIAA dt. 22.08.2019. The ToR was issued on 24.09.2019. The public hearing was conducted on 11.12.2019. Subsequently, an online application for Environment Clearance was preferred by project proponent on 03.03.2020. The same was considered by SEAC in its meeting dt.19.05.2020 and

by SEIAA on 04.06.2020. Upon consideration of the application, the EC was granted on 23.06.2020.

b. EC No. 680/Parya/SEIAA/4847/2019 – It is submitted that an online application was preferred by Smt. Geeta Sharma on 25.05.2019 seeking issuance of ToR for proposed Sand/Morrum Mining on Yamuna Riverbed, Gata No. 2/4, 2/23, 2/24 & 2/28, Khand No. 2, Village – Bendakhadar, Tehsil & District – Banda for lease area of 21 ha. The same was considered by SEAC in its meeting dt.03.07.2019 and by SEIAA dt. 26.07.2019. The ToR was issued on 21.08.2019. The public hearing was conducted on 17.12.2019. Subsequently, an online application for Environment Clearance was preferred by project proponent on 23.01.2020. The same was considered by SEAC in its meeting dt.05.02.2020 and by SEIAA on 05.03.2020. Upon consideration of the application, the EC was granted on 06.03.2020.

c. EC No. 41/Parya/SEIAA/4919/2019 – It is submitted that an online application was preferred by Sh. Vivek Sharma on 15.06.2019 seeking issuance of ToR for proposed Sand Mining from Yamuna Riverbed, Gata No. 2/4, 2/23, 2/24 & 2/28, Khand No. 1, Village – Bendakhadar, Tehsil & District – Banda for lease area of 21 ha. The same was considered by SEAC in its meeting

dt. 09.10.2019 and by SEIAA dt. 13.11.2019. The ToR was issued on 10.12.2019. The public hearing was conducted on 22.01.2020. Subsequently, an online application for Environment Clearance was preferred by project proponent on 28.01.2020. The same was considered by SEAC in its meeting dt.05.02.2020 and by SEIAA on 05.03.2020. Upon consideration of the application, the EC was granted on 06.03.2020.

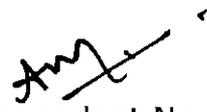
d. EC No. 44/Parya/SEIAA/4919/2019 - It is submitted that an online application was preferred by Sh. Ashish Kumar Gautam on 06.07.2019 seeking issuance of ToR for proposed Sand Mining from Yamuna Riverbed, Gata No. 2/4, 2/23, 2/24 & 2/28, Khand No. 4, Village - Bendakhadar, Tehsil & District - Banda for lease area of 21 ha. The same was considered by SEAC in its meeting dt.25.07.2019 and by SEIAA dt. 22.08.2019. The ToR was issued on 24.09.2019. The public hearing was conducted on 12.12.2019. Subsequently, an online application for Environment Clearance was preferred by project proponent on 03.03.2020. The same was considered by SEAC in its meeting dt.30.04.2020 and by SEIAA on 14.05.2020. Upon consideration of the application, the EC was granted on 15.05.2020.

2. It is submitted that aforesaid leases form part of one cluster for which a cluster certificate was issued by the District Mining Officer, Banda on 02.04.2019. It is further submitted that each of these lease measures 21 ha. and cumulatively 84 ha. As per notification dt. 14.08.2018 issued by MoEF & CC, Govt. of India, the projects fall in Category "B1". It is submitted that as per Notification, the SEIAA was within its jurisdiction to grant EC. It is submitted that process stipulated by law was followed. The EIA study was done in each of the proposed project. It is submitted that law does not mandate Cluster EIA/EMP. There was no necessity of Cluster EIA/EMP.

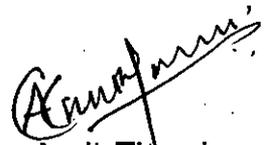
3. It is submitted that while issuing the EC, the answering respondent has complied with all provisions of relevant laws.

PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to dismiss the Appeal with Exemplary cost. Or such other order as deem fit may be passed.

  
Respondent No.1

Through



Amit Tiwari  
Counsel for the SEIAA  
48, Lodhi Estate, New Delhi-110003  
Mob: +91-8527271621  
E-mail: - tiwariamit22@yahoo.com

Dated: 08.03.2021

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**AFFIDAVIT**

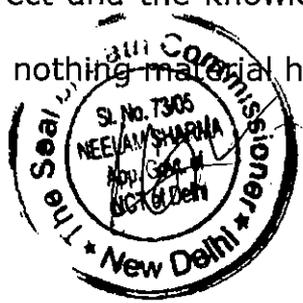
AFFIDAVIT OF SH. ANURAG KUMAR YADAV AGED ABOUT 45  
YAERS S/O SH. P N SINGH, PRESENTLY POSTED AS DEPUTY  
DIRECTOR, DIRECTORATE OF ENVIRONMENT, GOVERNMENT OF  
UTTAR PRADESH HAVING OFFICE AT E-12/1, SECTOR -1, NOIDA,  
UTTAR PRADESH.

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 before this Tribunal.

2. That the accompanying reply has been drafted by our  
counsel upon my instructions.

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 there from.

*Handwritten signature*  
I declare the Dependent  
subjected to in this case



VERIFICATION:

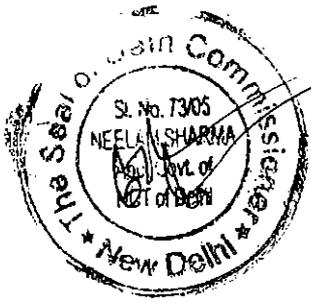
*Handwritten signature*  
DEPONENT

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08 MAR 2021

Verified on solemn affirmation at New Delhi on this \_\_\_ day March 2021, 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 there from.

DEPONENT



... solemnly sworn before me read over & explained to the deponent Admitted to be correct.

... Commissioner, New Delhi

08 MAR 2021