

IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
APPEAL NO. 39 of 2025

IN THE MATTER OF:

M/S. P.C. GUPTA & COMPANY

...APPLICANT

VERSUS

STATE LEVEL ENVIRONMENT IMPACT

ASSESSMENT AUTHORITY, UTTAR PRADESH

...RESPONDENT

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THROUGH



Date: 04/09/2025

Place: New Delhi

PRIYANKA SWAMI

ADVOCATE

Standing Counsel for SEIAA, SEAC, UP

F-13, GF, JANGPURA, NEW DELHI 110014

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REPLY ON BEHALF OF MEMBER SECRETARY, SEIAA, UTTAR PRADESH TO THE APPEAL IN COMPLAINT TO THE ORDER DATED 15.07.2025 ALONG WITH SUPPORTING AFFIDAVIT.

1. That the Hon'ble National Green Tribunal has passed an Order dated 15.07.2025 in the matter of Appeal No. 39/2025, M/s. P.C. Gupta & Company versus State Level Environment Impact Assessment Authority, Uttar Pradesh. The Executive part of the order is as follows:-

1. Learned Counsel appearing for SEIAA, UP submits that a copy of IA No. 400/2025-an application for condonation of delay has not been served though a copy of the appeal has been served upon respondent SEIAA-UP.

2. Learned Counsel for the appellant is directed to supply a copy of IA No. 400/2025 to Counsel for respondent -SEIAA, UP within two days.

3. Learned Counsel for respondent -SEIAA, UP seeks a weeks' time to file reply to the appeal and IA for condonation of delay.

4. Rejoinder, if any, can be filed within one week thereafter.

5. List on 28.08.2025.

2. That in compliance to order dated 14.08.2024, the case was considered in 854th SEIAA Meeting, dated 15.11.2024, wherein “SEIAA gone through the Order dated 14.08.2024 in Original Application No. 528/2024 Farukh Chouhan Applicant Versus SEIAA and noted that Hon’ble NGT vide order, dated 13.05.2024 constituted a joint committee comprising of representative of Member Secretary, CPCB, representative of Member Secretary, UPPCB, RO, MoEF&CC and DM, Shamli, operative para of the order dated 14.08.2024 states that:-

... “The joint Committee has also filed the report on 06.08.2024. The joint Committee during the visit had found that mining operation was closed and all the 2 machineries were removed from the site except the weighing bridge. The joint Committee has noted following violations:-

“4.11. As per EC condition, the project proponent shall in 2 years conduct detailed replenishment Study duly authenticated by a QCI-NABET accredited consultant, and the District Mine Officer. But the PP has carried out replenishment Study Report (Pre-monsoon and Post monsoon) in year 2023 through nonNABET accredited consultant. Replenishment Study Report has been submitted to District Magistrate, Shamli on 05.07.2024.

4.12. During visit, only one pillar was found outside the lease area, which was located in the mid-stream of river. It is

informed by the representative of project proponent, all pillar has been removed due to onset of monsoon and pillar located in midstream of Yamuna River was installed by the revenue department, Shamli. Necessary action may be taken by the District Magistrate, Shamli and ensure installation of pillar within lease area.

4.13. During visit, it was observed that another lease in the name of M/s Shiva Buildtech Private Limited was granted adjacent to the M/s P.C. Gupta & Company. It indicates that mining area is in cluster. As per specific condition no. 38 of EC, in case it has been found that the EC obtained by providing incorrect information, submitting that the distance between the two adjoining mines is greater than 500 m and area is less than 05 Ha, but factually, the distance is less than 500 mt and the mine is located in cluster of area equal or more than 05 ha, the EC issued will stand revoked.

4.14. During visit, it was observed that illegal mining outside the lease area having area of approx. 30 bigha and depth more than 3 m is excavated.

4.15. The project proponent has submitted following six monthly compliance report of EC to MoEF&CC, UPPCB and Directorate of Environment, Govt. of UP:

4.15.1. January, 2022 to June, 2022-submitted by e-mail on 11.07.2022

4.15.2. July, 2022 to December, 2022-submitted on 30.06.2024 to MoEF& CC only.

4.15.3. January 2023 to June, 2023-submitted by e-mail on 06.07.2022

4.15.4. July, 2023 to Deceer, 2023-submitted by e-mail on 18.06.2024

4.15.5. January, 2024 to June, 2024-submitted by e-mail on 03.07.2024

4.16. The project proponent has submitted above six-monthly compliance report to District Magistrate, Shamli on 11.07.2022, 22.01.2023, 06.07.2023, 22.01.2024 and 15.07.2024 respectively. However, six monthly compliance report was submitted after the timeline as mentioned in EC. Copy of e-mail and receiving copy along with EC compliance reports are annexed as Annexure-8.

4.17. The project proponent has not carried out adequate plantation in compliance of CTO & EC condition.

4.18. The project proponent has not carried out hydro-geological study, which violates the EC condition.

4.19. The project proponent has not obtained NOC for ground water abstraction from SGWA as per condition of CTO granted by UPPCB. The PP has applied for NOC on 10.06.2024.

4.20. During inspection, no mining activity was carried out. Hence, midstream mining could not ascertain. River Yamuna was observed flowing without obstacle.”

3. That the State Level Environment Impact Assessment Authority (SEIAA), upon due consideration of the findings submitted by the Joint Committee, has opined that there exists prima facie evidence of non-compliance with the conditions stipulated in the Environmental

Clearance (EC) granted to the Project Proponent. Accordingly, SEIAA has resolved to issue a Show Cause Notice to the Project Proponent, directing it to submit a detailed explanation within a period of 15 (fifteen) days from the date of issuance of the notice, as to why the Environmental Clearance granted vide Letter No. 810/parya/SEIAA/5005-4451/2020 dated 17.03.2021 ought not to be revoked or cancelled for the aforesaid non-compliance.

4. That in furtherance of the decision taken in the 854th Meeting of the State Level Environment Impact Assessment Authority (SEIAA) held on 15.11.2024, and in compliance thereof, a communication bearing Letter No. 80 dated 25.11.2024 was issued by SEIAA to the Project Proponent.
5. That the matter was subsequently placed before the 865th Meeting of the State Level Environment Impact Assessment Authority (SEIAA) held on 06.01.2025, wherein SEIAA, upon deliberation, noted that the project in question had earlier been considered in its 854th Meeting. In the said meeting, SEIAA had resolved to issue a Show Cause Notice to the Project Proponent in view of the non-compliance with the Environmental Clearance conditions, as pointed out by the Joint Committee. The Project Proponent was accordingly required to furnish its explanation within a period of 15 (fifteen) days as to why the Environmental Clearance granted vide Letter No. 810/parya/SEIAA/5005-4451/2020 dated 17.03.2021 should not be cancelled. In pursuance thereof, a Show Cause Notice was issued vide Letter No. 80/parya/SEIAA/5005-4451/2020 dated 25.11.2024. However, SEIAA recorded that no response had been received from the Project Proponent till date. Therefore, in the interest of justice,

SEIAA resolved to grant a final opportunity of 07 (seven) days to the Project Proponent to submit its reply, failing which appropriate action including cancellation of the Environmental Clearance shall be initiated without any further reference.

6. That in compliance with the decision taken in the 865th Meeting of the State Level Environment Impact Assessment Authority (SEIAA) held on 06.01.2025, a communication bearing Letter No. 89 dated 15.01.2025 was issued to the Project Proponent, reiterating the directions of SEIAA and affording a final opportunity to submit a response within the stipulated time.
7. That the matter was again considered in the 871st Meeting of the State Level Environment Impact Assessment Authority (SEIAA) held on 06.02.2025, wherein SEIAA noted that the aforementioned project had earlier been considered in its 865th Meeting dated 06.01.2025, wherein it was recorded that the Project Proponent had failed to submit a response within the stipulated period of 15 (fifteen) days, despite issuance of a Show Cause Notice vide Letter No. 80/parya/SEIAA/5005-4451/2020 dated 25.11.2024. Thereafter, in view of the continued non-compliance, SEIAA issued another Show Cause Notice vide Letter No. 89/parya/5005-4451/2023 dated 15.01.2025, granting a final opportunity of 07 (seven) days to the Project Proponent, stating that in the interest of justice, SEIAA shall wait for a further period of 07 days, following which the process for cancellation of the Environmental Clearance shall be initiated. As the said period of 07 days elapsed without any response or representation from the Project Proponent, SEIAA, in light of the foregoing, resolved to cancel the Environmental Clearance granted to the Project

Proponent, and accordingly, the Environmental Clearance issued vide Letter No. 810/parya/SEIAA/5005-4451/2020 dated 17.03.2021 stands cancelled with immediate effect.

8. That in compliance with the decision taken in the 871st Meeting of the State Level Environment Impact Assessment Authority (SEIAA) held on 06.02.2025, a communication bearing Letter No. 105 dated 07.03.2025 was issued to the Project Proponent, conveying the decision of SEIAA regarding cancellation of the Environmental Clearance.
9. That it is necessary to mention herein that the Environmental Clearance bearing Letter No. 810/parya/SEIAA/5005-4451/2020 dated 17.03.2021 was duly issued and dispatched through registered post to the address of Shri Prem Chand Gupta, 140, Ward No.-1, Haily Mandi, Pataudi, Haryana – 123003, which was the address furnished by the Project Proponent under the column “Address for Correspondence” in Form-2. The said communication was delivered accordingly and stands duly served.
10. It is further submitted that the Show Cause Notice issued vide Letter No. 80/parya/SEIAA/5005-4451/2020 dated 25.11.2024, the subsequent communication vide Letter No. 89/parya/5005-4451/2023 dated 15.01.2025, as well as the Environmental Clearance Cancellation Letter No. 105/parya/SEIAA/5005-4451/2020 dated 07.03.2025, were all duly dispatched through registered post to the same address, namely Shri Prem Chand Gupta, 140, Ward No.-1, Haily Mandi, Pataudi, Haryana – 123003, which had been provided

by the Project Proponent under the column “Address for Correspondence” in Form-2. Copy of Form-2, i.e., the application for prior Environmental Clearance, is annexed herewith as **ANNEXURE 1**.

11. It is also submitted that the Show Cause Notice issued vide Letter No. 80/parya/SEIAA/5005-4451/2020 dated 25.11.2024, the subsequent communication vide Letter No. 89/parya/5005-4451/2023 dated 15.01.2025, and the Environmental Clearance Cancellation Letter No. 105/parya/SEIAA/5005-4451/2020 dated 07.03.2025, which were dispatched through registered post to the address of Shri Prem Chand Gupta, returned undelivered. Copy of the undelivered envelopes containing Letter No. 80 dated 25.11.2024, Letter No. 89 dated 15.01.2025, and Letter No. 105 dated 07.03.2025 is annexed herewith as **ANNEXURE 2**.

12. It is further submitted that the Show Cause Notice issued vide Letter No. 80/parya/SEIAA/5005-4451/2020 dated 25.11.2024 and the subsequent communication vide Letter No. 89/parya/5005-4451/2023 dated 15.01.2025 were also sent through e-mail to the address pcguptashamli@gmail.com, which had been provided by the Project Proponent in Form-2. Copies of the e-mail delivery reports dated 25.11.2024 and 16.01.2025, evidencing the transmission of the said communications, is annexed herewith as **ANNEXURE 3**.

13. It is further submitted that the Environmental Clearance Cancellation Letter No. 105/parya/SEIAA/5005-4451/2020 dated 07.03.2025 was also forwarded via e-mail to the Member Secretary, Uttar Pradesh Pollution Control Board (UPPCB), the Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India, and

the consultant of the Project Proponent at the e-mail address information@greencindia.com. Copy of the e-mail transmission reports dated 07.03.2025 is being filed herewith and marked as **ANNEXURE 4.**

14. The said letters and emails were dispatched by Registered Post on to the address provided by the Project Proponent on the prescribed Parivesh portal; however, the registered article returned undelivered.
15. The Hon'ble Tribunal in *OA No. 8/2025, Vipin Kumar Saxena v. State of Uttar Pradesh*, decided on 23.05.2025, has categorically held that where a Project Proponent makes a false affidavit by denying service of cancellation orders, despite the orders being duly communicated through registered post, email, and uploaded on the SEIAA portal, such conduct amounts to approaching the Tribunal without clean hands. The Tribunal dismissed the application with costs of ₹25,000/- for wasting judicial time and harassing the Respondents. The present case is squarely covered by the said ruling as the Project Proponent herein is repeating the same false plea. Hence, this OA deserves outright dismissal with exemplary costs. Copy of the order dated 23.05.2025 in *OA No. 8/2025, Vipin Kumar Saxena v. State of Uttar Pradesh* is annexed herewith as **ANNEXURE-5.**
16. *That it is most respectfully submitted that similarly in this present appeal, the Appellant has taken strong stand on the grounds of wrong address and has tried to mislead this Honble Tribunal which cannot be denied after referring to his own (annexure A\8) ON Pg 58& 67, which states the same address as mentioned in Form 2.*

17. That in view of the foregoing, all material facts and available documentary evidence concerning the abeyance and subsequent cancellation of the Environment Clearance have been placed on record with utmost diligence, and the undersigned respectfully submits the present report for the kind consideration of the Hon'ble Tribunal, humbly praying that the same may be taken on file and such further directions as deemed fit in the interest of justice and environmental protection may graciously be passed.

THROUGH



Date: 04/09/2025

Place: New Delhi

PRIYANKA SWAMI

ADVOCATE

Standing Counsel for SEIAA, SEAC, UP

F-13, GF, JANGPURA, NEW DELHI 110014

E-mail: advpriyankaswami@gmail.com

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
APPEAL NO. 39 OF 2025**

IN THE MATTER OF:

M/S P.C. Gupta & Company

...Appellant

VERSUS

State Level Environment Impact Assessment Authority,

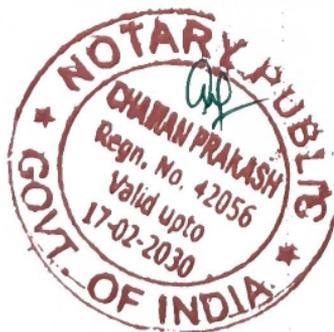
...Respondent

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 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.

04 SEP 2025



Blatti

DEPONENT

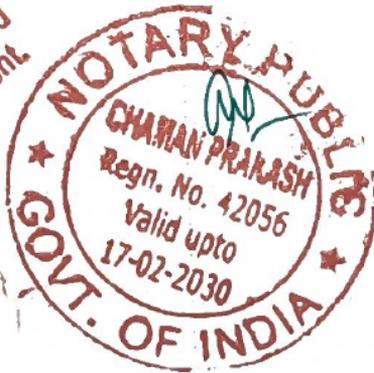
04 SEP 2025

VERIFICATION

Verified on solemn affirmation at New Delhi on this 04 day of September 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.

Identified by Adv. Jyoti Swami D/4476/10.

I identified the documents executed who has signed by the deponent.



Blatti

DEPONENT

NOTARIAL REGISTER

Vol. No. II Page No. 03

Sl. No. 10567 Date 04/9/25

ATTESTED
CP
CHAMAN PRAKASH
NOTARY DELHI-42056
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND NEW DELHI
REGISTERED

Form-2

APPLICATION FOR PRIOR ENVIRONMENTAL CLEARANCE

S. No.	Item	Details
1.	<p>Whether it is a violation case and application is being submitted under Notification No. S.O.804(E) dated 14.03.2017 ?</p> <p>Details of Project:</p> <p>(a)Name of the project(s)</p> <p>(b)Name of the Company / Organisation</p> <p>(c)Registered Address</p> <p>(d)Legal Status of the Company</p>	<p>No</p> <p>River Bed Sand Mining Project (Area - 20.34 ha.) in River Yamuna at Gata Number 621ma,622ma ,Village – Mandawar - 4, Tehsil - Kairana; District - Shamli , U.P.</p> <p>PCGUPTA AND COMPANY</p> <p>D2, 2116, Vasant Kunj,,,New Delhi,Delhi-110070</p> <p>Private</p>
2.	<p>Address for the correspondence:</p> <p>(a)Name of the Applicant</p> <p>(b)Designation (Owner/ Partner/ CEO)</p> <p>(c)Address</p> <p>(d)Pin code</p> <p>(e)E-mail</p> <p>(f)Telephone No.</p> <p>(g)Fax No.</p> <p>(h)Copy of documents in support of the competence/authority of the person making this application to make application on behalf of the User Agency .</p>	<p>prem chand gupta</p> <p>owner</p> <p>140, ward no 1, haily mandi,,,Pataudi,Gurgaon,Haryana-123003</p> <p>123003</p> <p>pcguptashamli@gmail.com</p> <p>522-4162016</p> <p></p> <p>Annexure-Uploaded Copy of documents in support of the competence/authority</p>
3.	<p>Category of the Project/Activity as per Schedule of EIA Notification,2006:</p> <p>(a)Major Project/Activity</p> <p>(b)Minor Project/Activity</p> <p>(c)Category</p> <p>(d)Proposal Number</p> <p>(e)Master Proposal Number(Single Window)</p> <p>(f)EAC concerned (for category A Projects only)</p> <p>(g)Project Type</p>	<p>1(a) Mining of minerals</p> <p>NIL</p> <p>B1</p> <p>SIA/UP/MIN/41587/2018</p> <p>SW/115373/2019</p> <p>Non-Coal Mining</p> <p>Fresh EC</p>
4.	<p>Location of the Project:</p> <p>(a)Plot/Survey/Khasra No.</p> <p>(b)Pincode</p> <p>(c)Bounded Latitudes (North)</p> <p>From</p> <p>Degree</p> <p>Minutes</p> <p>Second</p> <p>From</p> <p>Degree</p> <p>Minutes</p> <p>Second</p> <p>(d)Bounded Longitudes (East)</p> <p>From</p> <p>Degree</p> <p>Minutes</p> <p>Second</p> <p>From</p> <p>Degree</p> <p>Minutes</p> <p>Second</p> <p>(e)Survey of India Topo Sheet No.</p> <p>(f)Uploaded Topo Sheet File</p> <p>(g)Maximum Elevation Above Means Sea Level(AMSL)</p> <p>(h)Uploaded (kml) File</p> <p>(i)Distance of Nearest HFL from the project boundary within the study area</p> <p>(j)Seismic Zone</p>	<p>621,622</p> <p>247774</p> <p></p> <p>29.449</p> <p></p> <p>29.456</p> <p></p> <p>77.134</p> <p></p> <p>77.137</p> <p></p> <p>53G3</p> <p>Copy of Topo Sheet File</p> <p>236</p> <p>Copy of Kml File </p> <p>0.248</p> <p>2</p>
5.	<p>(a)Number of States in which Project will be Executed</p> <p>(b)Main State of the project</p>	<p>1</p> <p>Uttar Pradesh</p>

Details of State(s) of the project

S. No.	State Name	District Name	Tehsil Name	Village Name
(1.)	Uttar Pradesh	Shamli	Kairana	Mandawar-4

Details of Terms of Reference (ToR):								
6.	(a)MoEF&CC / SEIAA File Number	4451						
	(b)Date of Apply of TOR	18 Aug 2018						
	(c)Date of Issue of TOR / Standard ToR	13 Nov 2018						
	(d)Previous TOR Letter	Copy of Previous TOR letter						
Details of Public Consultation:								
7.	(a)Whether the Project Exempted from Public Hearing?	No						
	(b)Whether details of Public Hearing available?	Yes						
	(c)Whether Public hearing was presided over by an officer of the rank of Additional District Magistrate or above	Yes						
7.1. Details of Public Hearing								
S. No.	Details of Advertisement	Details of Public Hearing	Venue	Location Details	No. of People Attended	Issues Raised	Designation of Presiding Officer	Other Designation of Presiding Officer
(1.)	Date of Advertisement : 19 Jun 2019 Copy of advertisement : Copy of Advertisement	Copy of Public Hearing : Copy of Public Hearing Date : 20 Jul 2019 Distance of Public Hearing Venue : 9 from the Proposed Project :	Tehsil Office - Kairana, District Shamli	State : Uttar Pradesh District : Shamli Tehsil : Kairana Village : Mandawar	50	Problem of dust emission from mining, and roads gets damaged due to transportation and mining is done in the night hours.	Others	
8. Details of Project Configuration/Product:								
8.1. Project Configuration								
S. No.	Plant/Equipment/Facility	Configuration	Remarks					
(1.)	Sand/Morrum Mining	203400 cum / year	-					
8.2. Product								
S. No.	Product/Activity (Capacity/Area)	Quantity	Unit	Other Unit	Mode of Transport / Transmission of Product	Other Mode of Transport / Transmission of Product		
(1.)	Ordinary Sand/morrum Mining on an area of 20.34 Ha	203400	Others	Cubic meter per year	Road			
9. In case of Expansion / Modernisation / One Time Capacity Expansion (only for Coal Mining) / Expansion under Clause 7(ii) / Modernisation under Clause 7(ii) / Change of Product Mix under Clause 7(ii):								
Details Not Applicable								
Details of Consent to Operate								
9.1.	(i)Whether Consent to operate obtained ?	NA						
	(ii)Copies of all Consent to operate obtained since inception	NA						
	(iii)Date of Issue	N/A						
	(iv)Valid Upto	N/A						
	(v)File No.	NA						
	(vi)Application No.	NA						
	(vii)Copy of Consent to operate valid as on date	NA						
Project Cost:								
10.	(a)Total Cost of the Project at current price level (in crores)	1.12						
	(b) Funds Allocated for Environment Management (Capital) (in crores)	0.0516						
	(c) Funds Allocated Towards ESC (Entrepreneur Social Responsibility) (in crores)	.0224						
	(d) Funds Allocated for Environment Management Plan (EMP) (Recurring per Annum) (in crores)	0.0893						
	(e) Funds Allocated for Environment Management Capital(%)	0.00						
11.	Whether project attracts the General Condition specified in the Schedule of EIA Notification ?	No						

12.	Whether project attract the Specific Condition specified in the Schedule of EIA Notification ?					No					
13.	Raw Material / Fuel Requirement:										
	(a)Proposed quantity of raw material/fuel					0					
	(b)Existing quantity of raw material/fuel					N/A					
	(c)Total quantity of raw material/fuel					0					
13.1. Raw Material / Fuel Profile											
S. No.	Raw Material / Fuel	Quantity	Unit	Other Unit	Source (incase of Import. please specify country and Name of the port from which Raw Material / Fuel is received)	Mode of Transport	Other Mode of Transport	Distance of Source from Project Site (in Kilometres) (In case of import, distance from the port from which the raw material / fuel is received)	Type of Linkage	Other Type of Linkage	Uploaded Copy of Linkage
(1.)	N/A	0	Others	NA	NA	Road		0	Others	NA	Copy of Linkage
Baseline Data :											
14.	(a)Period of Base Line Data Collection					FROM 01 Oct 2018 To 31 Dec 2018					
	(b)Season					Post-Monsoon					
14.1. No. of ambient Air Quality (AAQ) Monitoring Locations : 5											
S. No.	Criteria Pollutants	Other Criteria Pollutants	Unit	Maximum Value	Minimum Value	98 Percentile Value	Prescribed Standard				
(1.)	NOx		Micro Gram per Meter Cube	22.3	15.6	22.12	80				
(2.)	PM10		Micro Gram per Meter Cube	65.2	49.6	65.02	100				
(3.)	PM2.5		Micro Gram per Meter Cube	30.7	25.1	30.61	60				
(4.)	SO2		Micro Gram per Meter Cube	12.8	6.6	12.62	80				
(5.)	Others	CO	Mili Gram per Meter Cube	0.61	0.40	0.6064	2				
14.2. No. of Ground Water Monitoring Locations : 3											
S. No.	Criteria Pollutants	Other Criteria Pollutants	Heavy Metal	Unit	Other Unit	Maximum Value	Minimum Value	Desirable Limit	Maximum Permissible Limit		
(1.)	TDS			mg/l		476	461	500	2000		
(2.)	Chlorides			mg/l		75.2	69.7	250	1000		
(3.)	Fluoride			mg/l		0.75	0.49	1	1.5		
(4.)	Heavy Metals		Iron	mg/l		0.21	0.14	0.3	0		
(5.)	Others	Zinc		mg/l		0.15	0.09	5	15		
(6.)	pH			NA		7.6	7.1	7	8.5		
(7.)	TSS			mg/l		0	0	0	0		
(8.)	Total Hardness			mg/l		231	214	300	600		
14.3. No. of Surface Water Monitoring Locations : 2											
S. No.	Criteria Pollutants	Other Criteria Pollutants	Unit	Other Unit	Maximum Value	Minimum Value	Classification of inland water body				
(1.)	BOD		mg/l		2.5	1.4	D				
(2.)	COD		mg/l		14.9	11.2	D				
(3.)	pH		NA		7.6	7.5	D				

(4.)	Others	Conductivity	Others	Micro Siemens per centimeter	558	536	D
(5.)	DO		mg/l		5.3	4.4	C

14.4. **No. of Ambient Noise Monitoring Locations : 6**

S. No.	Parameter	Unit	Maximum Value	Minimum Value	Prescribed Standard
(1.)	Leq(Day)	A-weighted decibels(dB(A))	54.6	49.8	65
(2.)	Leq(Night)	A-weighted decibels(dB(A))	43.03	38.78	55

14.5. **No. of Soil Sample Monitored Locations : 4**

S. No.	Parameter	Unit	Other Unit	Maximum Value	Minimum Value
(1.)	N(Nitrogen)	Kilogram per hectare		171.2	139.4
(2.)	Electric Conductivity	Others	microsiemens per Centimeter	199	176
(3.)	pH			7.6	7.4
(4.)	P(Phosphorus)	Kilogram per hectare		32.5	19.4
(5.)	K(Potassium)	Kilogram per hectare		77.6	55.8

Details of Ground Water Table:

14.6.	(a)Range of Water Table Pre-Monsoon Season (Meters Below Ground Level (m bgl))	From 10 To 20
	(b)Range of Water Table Post-Monsoon Season (Meters Below Ground Level (m bgl))	From 10 To 20
	(c)Whether Ground Water Intersection will be there ?	No

15. **Details of Water Requirement (During Operation)**

S. No.	Source	Source Other	Required Quantity	Distance from Source	Copy of Permission from Competent Authority	Mode of Transport	Other Mode of Transport	Method of Water Withdrawal	Other Method of Water Withdrawal	Letter No.	Date of Issue	Permitted Quantity
(1.)	GroundWater		10.71	1.8	Copy of Permission Letter	modeOthers	Hired Tankers	Others	Hand Pump	NA	22 Aug 2019	0

15.1.	(a)Whether Desalination is proposed	No
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16. **Waste Water Management(During Operation)**

S. No.	Type/Source	Quantity of Waste Water Generated (Kilolitre per Day)	Treatment Capacity (Kilolitre per Day)	Treatment Method	Mode of Disposal	Other Mode of Disposal	Quantity of Treated Water Used in Recycling/Reuse (Kilolitre per Day)	Quantity of Discharged Water (Kilolitre per Day)
(1.)	NA	0	0	NA	Others	NA	0	0

16.1.	(a)Total Waste Water Generation	0
	(b)Total Discharged Water	0
	(c)Total Reused Water	0

17. **Solid Waste Generation/Management**

S. No.	Name of Waste	Item	Other Item	Quantity per Annum	Unit	Distance from Site(KM)	Mode of Transport	Other Mode of Transport	Mode of Disposal	Other Mode of Disposal
(1.)	NA	Others	NA	0	Tons	0	Others	NA	Others	NA

18.

18.1. **Air Quality Impact Prediction**

S. No.	Criteria Pollutants	Other Criteria Pollutants	Unit	Baseline Concentration	Distance GLC	Incremental Concentration	Total GLC	Prescribed Standard
(1.)	PM2.5		Microgram per Meter Cube	0	0	0	0	0
(2.)	SO2		Microgram per Meter Cube	0	0	0	0	0
(3.)	NOx		Microgram per Meter Cube	0	0	0	0	0
(4.)	PM10		Microgram per Meter Cube	0	0	0	0	0

18.2. **Stack Details**

S. No.	Source	Fuel	Stack Height(m)	Stack Diameter(m)	Pollutants	Other Pollutants	Emission (GLS)
(1.)	NA	NA	0	0	Others	NA	0
19.	Power Requirement: (a)Quantity (Kilo Volt Amps (kVA)) 0 (b)Source NA (c)Uploaded Copy of Agreement Copy of Agreement (d)Standby Arrangement (Details of DG Sets) NA (e)Stack Height (in m) 0						
20.	Land Ownership Pattern: (a)Forest Land 0 (b)Private Land 0 (c)Government Land 20.34 (d)Revenue Land 0 (e)Other Land 0 Total Land 20.34						
21.	Present Land Use Breakup of the Study Area in Ha: (a)Agriculture Area 29314.83 (b)Waste/Barren Land 244.47 (c)Grazing/ Community Land 0 (d)Surface Water Bodies 435.27 (e)Settlements 0 (f)Industrial 0 (g)Forest 0 (h)Mangroves 0 (i)Marine Area 0 (j)Others : Scrub Land 814.6 Total 30809.170000000002						
22. Land Requirement for Various Activities							
S. No.	Description of Activity / Facility / Plant / Others	Others	Land Requirement	Remarks			
(1.)	Others	Area under water	0.8238				
	Total		0.8238				
23. Ecological and Environmental Sensitivity (Within 10 Km):- WLS-Wild Life Species; NPA-Notified Protected Area; ESAs-Eco Sensitive Areas; ESZs-Eco Sensitive Zones :							
23.1. Details of Ecological Sensitivity :							
S. No.	Details of Ecological Sensitivity	Name	Distance from the Project (Km)	Remarks			
(1.)	NPA	NA	0	NA			
(2.)	Wildlife Corridors	NA	0	NA			
(3.)	ESZs	Khokhari Nala	2.4	SSE Direction			
(4.)	Corridors	NA	0	NA			
(5.)	Critically Polluted Area	NA	0	NA			
(6.)	WLS	NA	0	NA			
(7.)	ESAs	NA	0	NA			
23.2. Details of Environmental Sensitivity :							
S. No.	Details of Environmental Sensitivity	Other Details of Environmental Sensitivity	Name	Distance from the Project (Km)	Remarks		
(1.)	Defence Installations		NA	0	NA		
(2.)	Archaeological Sites		NA	0	NA		
(3.)	Forest		Barnavi RF	5.1	ESE Direction		
23.3.	(a)Whether Noc / Permission from the competent authority is required? No (b)Whether NBWL recommendation is required? No						
24.	Forest Land: Whether any Forest Land involved? No						
25.	Tree Cutting: (a)No. of Trees Cut for the Project (if Forest Land not Involved) 0						

	(b)Details of Tree Cutting and Planting of Trees	Copy of Details of Tree Cutting and Planting of Trees
26.	Land Acquisition Status: (a)Acquired Land(Ha) (b)Land yet to be acquired(Ha) (c)Status of Land acquisition if not acquired	0 0 NA
27.	Rehabilitation and Resettlement (R&R): (a)No. of Villages (b)No. of Households (c)No. of PDFs (Project Displaced Families) (d)No. of PAFs (Project Affected Families) (e)Funds Allocated for R&R(in Rs) (f)Status of R&R	0 0 0 0 0 Yet To Start
28.	Details of Presence of Schedule-I Species: (a)Whether there is Presence of Schedule-I Species ? (b)Whether conservation plan for Schedule-I Species has been prepared ? (c)Whether conservation plan for Schedule-I Species has been approved by competent authority ?	No No No
29.	Details of Presence of Water Bodies in Core Area: (a)Whether there is Presence of Water Bodies in Core Area ? (i)Details of Water Bodies in Core Area (b)Whether there is Diversion Required ? (c)Whether permission has been obtained from competent authority ?	Yes Yamuna River No No
30.	Details of Presence of Water Bodies in Buffer Area: (a)Whether there is Presence of Water Bodies in Buffer Area ? (i)Details of Water Bodies in Buffer Area (ii)Direction of Water Bodies in Buffer Area (iii)Distance of Water Bodies in Buffer Area	Yes Choti Yamuna Nadi West 5.2
31.	Manpower Requirement: (a)Permanent Employment-During Construction (b)Permanent Employment-During Operation (c)Temporary Employment- During Construction (d)Temporary Employment- During Operation (e)No. of working days (f)Total Manpower	0 0 0 60 250 60
32.	Green Belt in Ha: (a)Total Area of Green Belt (in hectare) (b)Percentage of Total Project Area (c)No. of Plants to be Planted (d)Funds Allocated for Plantation (e)Uploaded Green Belt plan	0.3288 1.62 477 381000 Copy of Green Belt Plan
33.	Project Benefits	
S. No.	Type of Project Benefits	Details of Project Benefits
(1.)	Financial	The living tribal population will also get employment and hence it will improve the status of education of children
(2.)	Social	The project will contribute in the socio-economic development of the area

34. CRZ Specific Details : Not Applicable**35. Sector Specific Details For Non-Coal Mining**

S. No.	Item	Details
1.	No. of Mineral(s) to be Mined : 1	
S. No.	Mineral(s) to be Mined	Major or Minor Mineral
(1.)	Sand/ Morrum	Minor
2.	Mine Capacity in ROM (Run of Mine)	323840

3.	Uploaded 500 meters Cluster Certificate from State Mines and Geology in case of minor minerals	Copy of 500 meters Cluster Certificate from State Mines and Geology
4.	<p>Mining Plan:</p> <p>(a) Approval Letter No. 1003 (b) Date of Approval 27 Jul 2018 (c) Approved Letter Copy of Approved Letter (d) Approved By State Mining and Geology Department Directorate (e) Approved Mining Lease Area 20.34 (f) Approved Capacity 203400</p>	
5.	<p>Technical Details:</p> <p>(a) Total Geological Reserves (Million Ton) 1.365 (b) Mineable Reserves (Million Ton) 0.49 (c) Extractable Reserves (Million Ton) 0 (d) Percent (%) of Extraction 0 (e) Grade of Coal / Ore / Mineral 0 (f) Stripping Ratio 0 : 0 (g) Category of Gaseousness (Only for Coal Mining, Others may Write NA) 0 (h) Average Gradient (Degree) 0 (i) Mining Method Opencast (j) Life of Mine (Years) 5</p>	
6.	<p>Details of Beneficiations:</p> <p>(a) Whether it is proposed to install beneficiation plant/Coal washery within the mining lease area No (b) Whether it is proposed to install crusher within the mining lease area No</p>	
7.	<p>Details of Seams:</p> <p>(a) Whether details of seam applicable No</p>	
8.	<p>Details of Mining Lease:</p> <p>(a) Mining Lease Area (in Hectare) 20.34 (b) Whether obtained Letter of Intent (LOI) from the state government ? Yes (i) Copy of Letter of Intent Copy of Letter of Intent (ii) Date of issue of LOI 07 Jun 2018 (iii) Validity of LOI 5 (iv) Reference No. of LOI 1983 (c) Whether Lease Deed Executed ? No (i) Reason thereof The project proponent is selected via e-auction or (d) Whether Lease Deed Renewed ? No (i) Reason thereof The project proponent is selected via e-auction or</p>	
9.	<p>OB (Over Burden) Management:</p> <p>(a) Details of External Dumps:</p> <p>(i) No. of OB Dumps 0 (ii) Total Area (in Hectare) 0 (iii) Height (in meter) 0 (iv) Quantity (in Million Cubic meter) 0 (v) No. of year back fill up 0</p> <p>(b) Details of Internal Dumps:</p> <p>(i) No. of Internal Dumps 0 (ii) Total Area (in Hectare) 0 (iii) Height (in meter) 0 (iv) Quantity (in Million Cubic meter) 0</p>	
10.	<p>Details of Topsoil Management:</p> <p>(a) Quantity of Topsoil excavated during the entire life of the mine (in Million Cubic metre) 0 (b) Quantity of Topsoil proposed for utilization for reclamation during the entire life of the mine (in Million Cubic metre) 0 (c) Quantity of Topsoil proposed for utilization for other activities during the entire life of the mine (in Million Cubic metre) 0</p>	
11.	<p>Details of Final Mine Void:</p> <p>(a) Area (in Hectare) 20.34 (b) Depth (in meter) 1.25 (c) Volume (in Million Cubic meter) 0.2034</p>	
12.	<p>Details of Quarry:</p> <p>(a) Final Void of 18.8532 (hectare) at a Depth of 1.25 meter which is Proposed to be Converted into a Water Body. (b) Total Quarry Area (ha) 20.34</p>	

13.	Details of Transportation: (a) In Pit/Underground to Surface (b) Surface to Siding/Loading (c) Transportation / Conveyor Details		NA By Road Trucks				
14. Details of Land Usage (Pre-Mining)							
S. No.	LAND USE	Other LAND USE	WITHIN ML AREA (Hectare)	OUTSIDE ML AREA (Hectare)	TOTAL (Hectare)		
(1.)	SURFACE WATER BODIES		7.242	0	7.242		
(2.)	SETTLEMENTS		0	0	0		
(3.)	AGRICULTURE LAND		0	0	0		
(4.)	FOREST LAND		0	0	0		
(5.)	WASTE LAND		13	0	13		
(6.)	GRAZING LAND		0	0	0		
TOTAL			20.242	0	20.242		
15. Details of Land Usage (Post-Mining)							
S. No.	LAND USE	Other LAND USE	Plantation (ha)	Water Body (ha)	Public Use (ha)	Undisturbed (ha)	Total
(1.)	EXCAVATION/QUARRY		0	0	0		0
(2.)	TOP SOIL STORAGE		0	0	0		0
(3.)	BUILT UP AREA (COLONY/OFFICE)		0	0	0		0
(4.)	GREEN BELT		0	0	0		0
(5.)	VIRGIN AREA		0	0	0		0
(6.)	Other	Backfield area/ Infrastructure	0	0	20.34		20.34
(7.)	EXTERNAL OB DUMPS		0	0	0		0
(8.)	INTERNAL OB DUMPS		0	0	0		0
(9.)	ROADS		0	0	0		0
TOTAL			0	0	20.34	0	20.34
16.	Details of Reclamation: Total Afforestation Plan shall be Implemented Covering of Mining. This will Include: (a) External OB Dump (in hectare) (b) Internal Dump (in hectare) (c) Quarry (in hectare) (d) Safety Zone (in hectare) (e) Final Void of 0 (hectare) at a Depth of 0 meter which is Proposed to be Converted into a Water Body. (f) Density of Tree Plantation per ha (in no.) (g) Others in ha (such as Excavation Area along ML Boundary, along Roads and Infrastructure, Embankment Area and in Township Located Outside the Lease etc) (h) Total afforestation plant (in hectare)		0 0 0 0 477 0 0				
17.	Status of progressive Mining Closure Plan: Details Not Applicable						
18. Details of Actual Coal/ ORE Production vis-a-vis Sanctioned Capacity since the Inception:							
S. No.	Financial Year	Sanctioned Capacity as per EC (MTPA)	Sanctioned Capacity as per CTO	Sanctioned Capacity as per approved mining plan	Actual Production	Excess Production Beyond the EC / CTO/ Mining Plan Sanctioned Capacity (MTPA)	
(1.)	0	0	0	0	0	0	
S. No.	Item			Details			
36.	Details of Court Cases: (a) Whether there is any Court Cases pending against the project and/or land in which the project is proposed to be set up ?			No			
37.	Details of Direction Issued under Environment (Protection) Act / Air (Prevention & Control of Pollution) Act / Water (Prevention & Control of Pollution) Act:						

	(a)Whether any Direction issued under EPA Act/Air Act/Water Act ?	No
38.	Details of EIA Consultant: (a)Have you hired Consultant for preparing document? (i)Accreditation No. (ii)Name of the EIA Consultant (iii)Address (iv)Mobile No. (v)Landline No. (vi)Email Id (vii)Category of Accreditation (viii)Sector of Accreditation (ix)Validity of Accreditation (x)Uploaded Certificate of Accreditation certified by QCI/NABET	Yes NABET/EIA/1619/RA 0058 Greencindia Consulting Private Limited 608-611, Shopprix Mall, Sector-5, Vaishali, National Capital Region, Ghaziabad-201010 (U.P.) 9899101527 0120429653 information@greencindia.com A Non-Coal Mining 27 Oct 2019 Copy of Certificate of Accreditation

39.	Documents to be Attached: (a.I)Upload Copy of EIA/EMP(Text) (a.II)Upload Copy of EIA/EMP(Annexures) Report (a.III)Upload Copy of EIA/EMP(Maps/Plans/Figures only) (b)Uploaded Copy of Risk Assessment Report (c)Uploaded Copy of Feasibility Report/ Detailed Project Report(DPR) /Detailed Engineering Report /Detailed Conceptual Plan /Approved Mining Plan (d)Uploaded Copy of Final Layout Plan (e)Uploaded Cover Letter (f)Uploaded Copy of documents in support of the competence/authority of the person making this application to make application on behalf of the User Agency (g)Uploaded Copy of District Survey Report (h)Uploaded Copy of Replenishment Study Report & Baseline Survey Data (i)Uploaded Additional File (j)Uploaded Proposal Presentation (To be given in EAC/SEIAA/SEAC meeting) (k)Uploaded Updated Form1	Copy of EIA/EMP(Text) Copy of EIA/EMP(Annexures) Copy of EIA/EMP(Maps/Plans/Figures only) Copy of Risk Assessment Copy of Feasibility Report/ Detailed Project Report(DPR) /Detailed Engineering Report /Detailed Conceptual Plan /Approved Mining Plan Copy of Final Layout Plan Copy of Cover Letter Copy of documents in support of the competence/authority of the person making this application to make application on behalf of the User Agency NA NA Copy of Additional File NA NA
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Essential Details Sought

S. No.	EDS Sought Date	EDS Sought	Letter
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NO Record

Additional Details Sought

S. No.	ADS Sought Date	ADS Sought	Letter
(1.)	16/11/2019	Please submit the information/clarification as directed by SEAC in its meeting dated 25/09/2019. The minutes of the said meeting is available on the website www.environmentclearance.nic.in and seiaaup.in	
(2.)	02/12/2020	Required documents has been attached	ADS Letter

Undertaking

I hereby give undertaking that the data and information given in the application and enclosures are true to be best of my knowledge and belief. And I am aware that if any part of the data and information found to be false or misleading at any stage, the project will be rejected and clearance given, if any to the project will be revoked at our risk and cost. In addition to above, I hereby give undertaking that no activity/ construction/ expansion has since been taken up.

Name of Applicant	prem chand gupta
Designation	owner
Name of Company (Applicant Name should not be given here)	PCGUPTA AND COMPANY
Address	D2, 2116, Vasant Kunj,

Print

Directorate of Environment, U.P.

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

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

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.com

Show-cause Notice

To,

Shri Prem Chand Gupta,
140, Ward No- 1, Haily Mandi,
Pataudi, Gurgaon, Haryana- 123003

Ref. No.....8...../Parya/SEIAA/5005-4451/2020

Date: 25 November, 2024

विषय: Environmental Clearance for Sand/Morrum Mining from Yamuna River Bed at Gata No.- 621ma, 622ma at Vill.Mandawar-4, Tehsil-Kairana, District-Shamli, U.P., M/s P.C. Gupta. (Leased Area- 20.34 ha). File no- 5005-4451 को कारण-बताओ नोटिस।

महोदय,

राज्य स्तरीय पर्यावरण प्रभाव निर्धारण प्राधिकरण द्वारा आहूत 854वी बैठक दिनांक 15.11.2024 में निम्नानुसार निर्णय लिया गया-

SEIAA gone through the Order dated 14.08.2024 in Original Application No. 528/2024 Farukh Chouhan Applicant Versus SEIAA and noted that Hon'ble NGT vide order, dated 13.05.2024 constituted a joint committee comprising of representative of Member Secretary, CPCB, representative of Member Secretary, UPPCB, RO, MoEF&CC and DM, Shamli, operative para of the order dated 14.08.2024 states that:-

... "The joint Committee has also filed the report on 06.08.2024. The joint Committee during the visit had found that mining operation was closed and all the 2 machineries were removed from the site except the weighing bridge. The joint Committee has noted following violations:-

- "4.11. As per EC condition, the project proponent shall in 2 years conduct detailed replenishment Study duly authenticated by a QCI-NABET accredited consultant, and the District Mine Officer. But the PP has carried out replenishment Study Report (Pre-monsoon and Post monsoon) in year 2023 through nonNABET accredited consultant. Replenishment Study Report has been submitted to District Magistrate, Shamli on 05.07.2024.
- 4.12. During visit, only one pillar was found outside the lease area, which was located in the mid-stream of river. It is informed by the representative of project proponent, all pillar has been removed due to onset of monsoon and pillar located in midstream of Yamuna River was installed by the revenue department, Shamli. Necessary action may be taken by the District Magistrate, Shamli and ensure installation of pillar within lease area.
- 4.13. During visit, it was observed that another lease in the name of M/s Shiva Buildtech Private Limited was granted adjacent to the M/s P.C. Gupta & Company. It indicates that mining area is in cluster. As per specific condition no. 38 of EC, in case it has been found that the EC obtained by providing incorrect information, submitting that the distance between the two adjoining mines is greater than 500 m and area is less than 05 Ha, but factually, the distance is less than 500 mt and the mine is located in cluster of area equal or more than 05 ha, the EC issued will stand revoked.

- 4.14. During visit, it was observed that illegal mining outside the lease area having area of approx. 30 bigha and depth more than 3 m is excavated.
- 4.15. The project proponent has submitted following six monthly compliance report of EC to MoEF&CC, UPPCB and Directorate of Environment, Govt. of UP:
- 4.15.1. January, 2022 to June, 2022-submitted by e-mail on 11.07.2022
- 4.15.2. July, 2022 to December, 2022-submitted on 30.06.2024 to MoEF& CC only.
- 4.15.3. January 2023 to June, 2023-submitted by e-mail on 06.07.2022
- 4.15.4. July, 2023 to Deceer, 2023-submitted by e-mail on 18.06.2024
- 4.15.5. January, 2024 to June, 2024-submitted by e-mail on 03.07.2024
- 4.16. The project proponent has submitted above six monthly compliance report to District Magistrate, Shamli on 11.07.2022, 22.01.2023, 06.07.2023, 22.01.2024 and 15.07.2024 respectively. However, six monthly compliance report was submitted after the timeline as mentioned in EC. Copy of e-mail and receiving copy along with EC compliance reports are annexed as Annexure-8.
- 4.17. The project proponent has not carried out adequate plantation in compliance of CTO & EC condition.
- 4.18. The project proponent has not carried out hydro-geological study, which violates the EC condition.
- 4.19. The project proponent has not obtained NOC for ground water abstraction from SGWA as per condition of CTO granted by UPPCB. The PP has applied for NOC on 10.06.2024.
- 4.20. During inspection, no mining activity was carried out. Hence, midstream mining could not ascertain. River Yamuna was observed flowing without obstacle."

Hence SEIAA opined to issue a show cause notice to the project proponent regarding non-compliance of Environmental Clearance conditions as submitted by the joint committee. Project proponent is required to clarify the above within 15 days- As to why EC issued vide letter no. 810/parya/SEIAA/5005-4451/2020 dated 17.03.2021 should not be cancelled.

उपरोक्त निर्णय के क्रम में पर्यावरण स्वच्छता प्रमाण-पत्र दिनांक 17.03.2021 में वर्णित सामान्य शर्तों का उल्लंघन किये जाने के कारण आपको कारण बताओ नोटिस निर्गत किया जाता है कि क्यों न पर्यावरण निदेशालय, उ०प्र० के पत्रांक 810/parya/SEIAA/5005-4451/2020 दिनांक 17.03.2021 द्वारा निर्गत पूर्व पर्यावरण स्वीकृति को निरस्त कर दिया जायें।

उपरोक्त कारण बताओ नाटिस का उत्तर पत्र प्राप्ति से 15 दिन के अन्दर सुसंगत दस्तावेजों सहित प्रेषित करना सुनिश्चित करें। निर्धारित अवधि में संतोषजनक उत्तर प्राप्त न होने पर पर्यावरण निदेशालय, उ०प्र० के पत्रांक 810/parya/SEIAA/5005-4451/2020 दिनांक 17.03.2021 द्वारा निर्गत पूर्व पर्यावरण स्वीकृति को निरस्त करने की कार्यवाही प्रारम्भ कर दी जायेगी, जिसके लिये आप स्वयं उत्तरदायी होंगे।

भवदीय,



(अजय कुमार शर्मा)
सदस्य सचिव

प्रेषक,

सदस्य सचिव,
एस0ई0आई0ए0ए0,
पर्यावरण निदेशालय, उ0प्र0,
विनीत खण्ड-1, गोमती नगर, लखनऊ-226010

सेवा में,

Shri Prem Chand Gupta,
140, Ward No- 1, Haily Mandi,
Pataudi, Gurgaon, Haryana- 123003

पत्रांक : 89 / पर्या. / 5005.4451 / 2023

दिनांक 15 जनवरी, 2025

विषय:- **Show cause notice of Original Application No. 528/2024 Farukh Chouhan Applicant versus State Level Environment Impact Assessment Authority Uttar Pradesh Respondent(s) file no. 5005-4451 के सम्बन्ध में।**

महोदय,

कृपया उपरोक्त प्रस्ताव पर राज्य स्तरीय पर्यावरण प्रभाव निर्धारण प्राधिकरण, उ0प्र0 की 865वीं बैठक दिनांक 06.01.2025 में विचार कर निम्नवत् संस्तुति की गई :-

SEIAA noted that the above project was taken in its 854th meeting in which SEIAA opined to issue a show cause notice to the project proponent regarding non-compliance of Environmental Clearance conditions as submitted by the joint committee. Project proponent is required to clarify the above within 15 days- As to why EC issued vide letter no. 810/parya/SEIAA/5005-4451/2020 dated 17.03.2021 should not be cancelled. Show cause notice was issued vide letter no. 80/parya/SEIAA/5005-4451/2020 dated 25.11.2024. The project proponent has not responded yet hence in the interest of the justice SEIAA shall wait for 07 days further thereafter will proceed for cancellation of Environmental Clearance.

प्राधिकरण की बैठक में लिये गये निर्णय के आलोक में सम्बन्धित कार्यवृत्त की प्रति इस अनुरोध के साथ प्रेषित है कि उक्त के सम्बन्ध में आवश्यक कार्यवाही करने का कष्ट करें।

संलग्नक- यथोक्त।

भवदीय,


(अजय कुमार शर्मा)
सदस्य सचिव,
एस0ई0आई0ए0ए0

Directorate of Environment, U.P.

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

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

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.com

To,

Shri Prem Chand Gupta,
140, Ward No- 1, Haily Mandi,
Pataudi, Gurgaon, Haryana- 123003

Ref. No. 105...../Parya/SEIAA/5005-4451/2020

Date: 07 March, 2025

Sub: Cancellation of Environmental Clearance for Proposed Sand/Morrum Mining Project (Area - 20.34 ha.) in River Yamuna at Gata Number 621ma,622ma, Village – Mandawar - 4, Tehsil - Kairana; District - Shamli, U.P. File no- 5005-4451.

Dear Sir,

SEIAA discussed the above matter in its 871th meeting in which it was observed- "that the aforementioned project was considered in its 865th meeting held on 06.01.2025, wherein it was observed that the project proponent had not responded despite being granted a period of 15 days, as per the show cause notice issued vide letter no. 80/parya/SEIAA/5005-4451/2020 dated 25.11.2024.

Subsequently, SEIAA issued another show cause notice vide letter no. 89/parya/5005-4451/2023 dated 15.01.2025, stating that, "in the interest of justice, SEIAA shall wait for a further period of 07 days, following which the process for cancellation of Environmental Clearance shall be initiated."

As the stipulated period of 07 days has elapsed and no response has been received from the project proponent, SEIAA, in light of the above, has decided to cancel the Environmental Clearance (EC) with immediate effect, issued vide letter no. 810/parya/SEIAA/5005-4451/2020 dated 17.03.2021.

Hence in view of the above the EC issued vide letter No 810/parya/SEIAA/5005-4451/2020 dated 17.03.2021 is being hereby cancelled and no more stands valid.

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



(Ajay Kumar Sharma)

Member Secretary, SEIAA

Copy, through email, for information and necessary action to –

1. Principal Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh, Lucknow (email – psforest2015@gmail.com)
2. Joint Secretary, Ministry of Environment, Forest and Climate Change, Government of India, 3rd Floor, Prithvi-Block, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003 (email – sudheer.ch@gov.in)
3. Deputy Director General of Forests (C), Integ rated Regional Office, Ministry of Environment, Forest and Climate Change, Kendriya Bhawan, 5th Floor, Sector "H", Aliganj, Lucknow – 226020 (email – roc.lko-mef@nic.in)
4. District Magistrate, Shamli.
5. Member Secretary, Uttar Pradesh Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow-226010 (email – ms@uppcb.in)
6. Copy for Guard File.

(Ajay Kumar Sharma)

Member Secretary, SEIAA

Environmental Clearance for Sand/Morrum Mining from Yamuna River Bed at Gata No.-621ma, 622ma at Vill.Mandawar-4, Tehsil-Kairana, District-Shamli, U.P., M/s P.C. Gupta. (Leased Area- 20.34 ha). File No. 5005/4451/Proposal No. SIA/UP/MIN/41587/2018 को कारण-बताओ नोटिस।

From: Directorate of Environment, UP (doeuplko@yahoo.com)

To: pcguptashamli@gmail.com

Date: Monday 25 November, 2024 at 01:23 pm IST

PFA

Environmental Clearance for Sand/Morrum Mining from Yamuna River Bed at Gata No.-621ma, 622ma at Vill.Mandawar-4, Tehsil-Kairana, District-Shamli, U.P., M/s P.C. Gupta. (Leased Area- 20.34 ha). File No. 5005/4451/Proposal No. SIA/UP/MIN/41587/2018 को कारण-बताओ नोटिस।

Directorate of Environment, U.P.,
Dr. Bhim Rao Ambedkar Paryawaran Parisar,
Vineet Khand-1, Gomti Nagar,
Lucknow-226010.
web site- <http://upenv.upsdc.gov.in>



5005-4451.pdf
379.9 kB

Directorate of Environment, U.P.

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

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

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.com

Show-cause Notice

To,

Shri Prem Chand Gupta,
140, Ward No- 1, Haily Mandi,
Pataudi, Gurgaon, Haryana- 123003

Ref. No.....8...../Parya/SEIAA/5005-4451/2020

Date: 25 November, 2024

विषय: Environmental Clearance for Sand/Morrum Mining from Yamuna River Bed at Gata No.- 621ma, 622ma at Vill.Mandawar-4, Tehsil-Kairana, District-Shamli, U.P., M/s P.C. Gupta. (Leased Area- 20.34 ha). File no- 5005-4451 को कारण-बताओ नोटिस।

महोदय,

राज्य स्तरीय पर्यावरण प्रभाव निर्धारण प्राधिकरण द्वारा आहूत 854वी बैठक दिनांक 15.11.2024 में निम्नानुसार निर्णय लिया गया-

SEIAA gone through the Order dated 14.08.2024 in Original Application No. 528/2024 Farukh Chouhan Applicant Versus SEIAA and noted that Hon'ble NGT vide order, dated 13.05.2024 constituted a joint committee comprising of representative of Member Secretary, CPCB, representative of Member Secretary, UPPCB, RO, MoEF&CC and DM, Shamli, operative para of the order dated 14.08.2024 states that:-

... "The joint Committee has also filed the report on 06.08.2024. The joint Committee during the visit had found that mining operation was closed and all the 2 machineries were removed from the site except the weighing bridge. The joint Committee has noted following violations:-

- "4.11. As per EC condition, the project proponent shall in 2 years conduct detailed replenishment Study duly authenticated by a QCI-NABET accredited consultant, and the District Mine Officer. But the PP has carried out replenishment Study Report (Pre-monsoon and Post monsoon) in year 2023 through nonNABET accredited consultant. Replenishment Study Report has been submitted to District Magistrate, Shamli on 05.07.2024.
- 4.12. During visit, only one pillar was found outside the lease area, which was located in the mid-stream of river. It is informed by the representative of project proponent, all pillar has been removed due to onset of monsoon and pillar located in midstream of Yamuna River was installed by the revenue department, Shamli. Necessary action may be taken by the District Magistrate, Shamli and ensure installation of pillar within lease area.
- 4.13. During visit, it was observed that another lease in the name of M/s Shiva Buildtech Private Limited was granted adjacent to the M/s P.C. Gupta & Company. It indicates that mining area is in cluster. As per specific condition no. 38 of EC, in case it has been found that the EC obtained by providing incorrect information, submitting that the distance between the two adjoining mines is greater than 500 m and area is less than 05 Ha, but factually, the distance is less than 500 mt and the mine is located in cluster of area equal or more than 05 ha, the EC issued will stand revoked.

- 4.14. During visit, it was observed that illegal mining outside the lease area having area of approx. 30 bigha and depth more than 3 m is excavated.
- 4.15. The project proponent has submitted following six monthly compliance report of EC to MoEF&CC, UPPCB and Directorate of Environment, Govt. of UP:
- 4.15.1. January, 2022 to June, 2022-submitted by e-mail on 11.07.2022
- 4.15.2. July, 2022 to December, 2022-submitted on 30.06.2024 to MoEF& CC only.
- 4.15.3. January 2023 to June, 2023-submitted by e-mail on 06.07.2022
- 4.15.4. July, 2023 to Deceer, 2023-submitted by e-mail on 18.06.2024
- 4.15.5. January, 2024 to June, 2024-submitted by e-mail on 03.07.2024
- 4.16. The project proponent has submitted above six monthly compliance report to District Magistrate, Shamli on 11.07.2022, 22.01.2023, 06.07.2023, 22.01.2024 and 15.07.2024 respectively. However, six monthly compliance report was submitted after the timeline as mentioned in EC. Copy of e-mail and receiving copy along with EC compliance reports are annexed as Annexure-8.
- 4.17. The project proponent has not carried out adequate plantation in compliance of CTO & EC condition.
- 4.18. The project proponent has not carried out hydro-geological study, which violates the EC condition.
- 4.19. The project proponent has not obtained NOC for ground water abstraction from SGWA as per condition of CTO granted by UPPCB. The PP has applied for NOC on 10.06.2024.
- 4.20. During inspection, no mining activity was carried out. Hence, midstream mining could not ascertain. River Yamuna was observed flowing without obstacle."

Hence SEIAA opined to issue a show cause notice to the project proponent regarding non-compliance of Environmental Clearance conditions as submitted by the joint committee. Project proponent is required to clarify the above within 15 days- As to why EC issued vide letter no. 810/parya/SEIAA/5005-4451/2020 dated 17.03.2021 should not be cancelled.

उपरोक्त निर्णय के क्रम में पर्यावरण स्वच्छता प्रमाण-पत्र दिनांक 17.03.2021 में वर्णित सामान्य शर्तों का उल्लंघन किये जाने के कारण आपको कारण बताओ नोटिस निर्गत किया जाता है कि क्यों न पर्यावरण निदेशालय, उ०प्र० के पत्रांक 810/parya/SEIAA/5005-4451/2020 दिनांक 17.03.2021 द्वारा निर्गत पूर्व पर्यावरण स्वीकृति को निरस्त कर दिया जायें।

उपरोक्त कारण बताओ नाटिस का उत्तर पत्र प्राप्ति से 15 दिन के अन्दर सुसंगत दस्तावेजों सहित प्रेषित करना सुनिश्चित करें। निर्धारित अवधि में संतोषजनक उत्तर प्राप्त न होने पर पर्यावरण निदेशालय, उ०प्र० के पत्रांक 810/parya/SEIAA/5005-4451/2020 दिनांक 17.03.2021 द्वारा निर्गत पूर्व पर्यावरण स्वीकृति को निरस्त करने की कार्यवाही प्रारम्भ कर दी जायेगी, जिसके लिये आप स्वयं उत्तरदायी होंगे।

भवदीय,



(अजय कुमार शर्मा)
सदस्य सचिव

Show cause notice of Original Application No. 528/2024 Farukh Chouhan Applicant versus State Level Environment Impact Assessment Authority Uttar Pradesh Respondent(s) file no.-5005-4451 के सम्बन्ध में।

From: Directorate of Environment, UP (doeuplko@yahoo.com)

To: pcguptashamli@gmail.com; information@greencindia.com

Date: Thursday 16 January, 2025 at 04:04 pm IST

Dear Sir,

Please find enclosed as herewith Show cause notice of Original Application No. 528/2024 Farukh Chouhan Applicant versus State Level Environment Impact Assessment Authority Uttar Pradesh Respondent(s) file no.-5005-4451 के सम्बन्ध में।

Directorate of Environment, U.P.,
Dr. Bhim Rao Ambedkar Paryawaran Parisar,
Vineet Khand-1, Gomti Nagar,
Lucknow-226010.
web site- <http://upenv.upsdc.gov.in>



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प्रेषक,

सदस्य सचिव,
एस0ई0आई0ए0ए0,
पर्यावरण निदेशालय, उ0प्र0,
विनीत खण्ड-1, गोमती नगर, लखनऊ-226010

सेवा में,

Shri Prem Chand Gupta,
140, Ward No- 1, Haily Mandi,
Pataudi, Gurgaon, Haryana- 123003

पत्रांक : 89 / पर्या. / 5005.4451 / 2023

दिनांक 15 जनवरी, 2025

विषय:- Show cause notice of Original Application No. 528/2024 Farukh Chouhan Applicant versus State Level Environment Impact Assessment Authority Uttar Pradesh Respondent(s) file no. 5005-4451 के सम्बन्ध में।

महोदय,

कृपया उपरोक्त प्रस्ताव पर राज्य स्तरीय पर्यावरण प्रभाव निर्धारण प्राधिकरण, उ0प्र0 की 865वीं बैठक दिनांक 06.01.2025 में विचार कर निम्नवत् संस्तुति की गई :-

SEIAA noted that the above project was taken in its 854th meeting in which SEIAA opined to issue a show cause notice to the project proponent regarding non-compliance of Environmental Clearance conditions as submitted by the joint committee. Project proponent is required to clarify the above within 15 days- As to why EC issued vide letter no. 810/parya/SEIAA/5005-4451/2020 dated 17.03.2021 should not be cancelled. Show cause notice was issued vide letter no. 80/parya/SEIAA/5005-4451/2020 dated 25.11.2024. The project proponent has not responded yet hence in the interest of the justice SEIAA shall wait for 07 days further thereafter will proceed for cancellation of Environmental Clearance.

प्राधिकरण की बैठक में लिये गये निर्णय के आलोक में सम्बन्धित कार्यवृत्त की प्रति इस अनुरोध के साथ प्रेषित है कि उक्त के सम्बन्ध में आवश्यक कार्यवाही करने का कष्ट करें।

संलग्नक- यथोक्त।

भवदीय,
A

(अजय कुमार शर्मा)
सदस्य सचिव,
एस0ई0आई0ए0ए0

State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

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

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

E-mail : doeuplko@yahoo.com

Website : www.seiaaup.com

To,

Shri Prem Chand Gupta,
140, Ward No- 1, Haily Mandi,
Pataudi, Gurgaon, Haryana- 123003

Ref. No. 105...../Parya/SEIAA/5005-4451/2020

Date: 07 March, 2025

Sub: Cancellation of Environmental Clearance for Proposed Sand/Morrum Mining Project (Area - 20.34 ha.) in River Yamuna at Gata Number 621ma,622ma, Village – Mandawar - 4, Tehsil - Kairana; District - Shamli, U.P. File no- 5005-4451.

Dear Sir,

SEIAA discussed the above matter in its 871th meeting in which it was observed- "that the aforementioned project was considered in its 865th meeting held on 06.01.2025, wherein it was observed that the project proponent had not responded despite being granted a period of 15 days, as per the show cause notice issued vide letter no. 80/parya/SEIAA/5005-4451/2020 dated 25.11.2024.

Subsequently, SEIAA issued another show cause notice vide letter no. 89/parya/5005-4451/2023 dated 15.01.2025, stating that, "in the interest of justice, SEIAA shall wait for a further period of 07 days, following which the process for cancellation of Environmental Clearance shall be initiated."

As the stipulated period of 07 days has elapsed and no response has been received from the project proponent, SEIAA, in light of the above, has decided to cancel the Environmental Clearance (EC) with immediate effect, issued vide letter no. 810/parya/SEIAA/5005-4451/2020 dated 17.03.2021.

Hence in view of the above the EC issued vide letter No 810/parya/SEIAA/5005-4451/2020 dated 17.03.2021 is being hereby cancelled and no more stands valid.

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



(Ajay Kumar Sharma)
Member Secretary, SEIAA

Copy, through email, for information and necessary action to –

1. Principal Secretary, Department of Environment, Forest and Climate Change, Government of Uttar Pradesh, Lucknow (email – psforest2015@gmail.com)
2. Joint Secretary, Ministry of Environment, Forest and Climate Change, Government of India, 3rd Floor, Prithvi-Block, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003 (email – sudheer.ch@gov.in)
3. Deputy Director General of Forests (C), Integrated Regional Office, Ministry of Environment, Forest and Climate Change, Kendriya Bhawan, 5th Floor, Sector "H", Aliganj, Lucknow – 226020 (email – roc.lko-mef@nic.in)
4. District Magistrate, Shamli.
5. Member Secretary, Uttar Pradesh Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow-226010 (email – ms@uppcb.in)
6. Copy for Guard File.

(Ajay Kumar Sharma)
Member Secretary, SEIAA

(na.) in River Yamuna at Gata Number 621 ma, 622ma Village -Mandawar-4, Tehsil- Kairana; District- Shamli, U.P. File No. 5005-4451 संबंध में।

From: Directorate of Environment, UP (doeuplko@yahoo.com)

To: psforest2015@gmail.com; sudheer.ch@gov.in; rocz.lko-mef@nic.in; ms@uppcb.in

Date: Friday 7 March, 2025 at 06:19 pm IST

Respected Sir,

Please find enclosed as herewith Cancellation of Environmental Clearance for Proposed Sand/Morrum Mining Project (Area-20.34 ha.) in River Yamuna at Gata Number 621 ma, 622ma Village -Mandawar-4, Tehsil- Kairana; District- Shamli, U.P. File No. 5005-4451 संबंध में।

Directorate of Environment, U.P.,
Dr. Bhim Rao Ambedkar Paryawaran Parisar,
Vineet Khand-1, Gomti Nagar,
Lucknow-226010.
web site- <http://upenv.upsdc.gov.in>



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...ha.) in River Yamuna at Gata Number 621 ma, 622ma village -Mandawar-4, Tehsil- Kairana; District- Shamli, U.P. File No. 5005-4451 संबंध में।

From: Directorate of Environment, UP (doeuplko@yahoo.com)

To: information@greencindia.com

Date: Friday 7 March, 2025 at 06:15 pm IST

Respected Sir,

Please find enclosed as herewith Cancellation of Environmental Clearance for Proposed Sand/Morrum Mining Project (Area-20.34 ha.) in River Yamuna at Gata Number 621 ma, 622ma Village -Mandawar-4, Tehsil- Kairana; District- Shamli, U.P. File No. 5005-4451 संबंध में।

Directorate of Environment, U.P.,
Dr. Bhim Rao Ambedkar Paryawaran Parisar,
Vineet Khand-1, Gomti Nagar,
Lucknow-226010.
web site- <http://upenv.upsdc.gov.in>



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Item No. 07

Court No. 1

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

I.A Nos. 359/2025 & 353/2025

In

Original Application No. 8/2025

Vipin Kumar Saxena

Applicant

Versus

State of Uttar Pradesh

Respondent(s)

Date of hearing: 23.05.2025

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

Applicant: Mr. Gaurav Kumar Bansal, Ms. Nandita Bansal, Ms. Chandrika
Upadhyaya & Mr. Vishnu Kumar Gupta, Advocates

Respondents: Ms. Garima Prasadh, AAG with Ms. Priyanka Swami, Adv. for DM, Jhansi
& SEIAA, UP
Mr. Akash Vashishtha, Advocate in I.A. No. 75/2025 (Through VC)

ORDER

1. In this Original Application (OA), the case of the Applicant is that earlier Original Application No. 440/2023, *Naveen Kumar vs. State of UP & Ors.* was filed before the Tribunal with the allegation that the present Applicant had engaged in illegal mining in river Dhasan at Gata No. 1419, Kha Khand No. 01 in village Dhamnaud, Tehsil Garautha, District Jhansi, Uttar Pradesh. The Tribunal by order dated 22.05.2024 had constituted a joint Committee and sought its report which was submitted on 08.08.2024. The Joint Committee found certain deficiencies in respect of the compliance of general and specific conditions of Environmental Clearance (EC).

2. The stand of the Applicant is that those conditions were complied with. SEIAA, UP in OA No. 440/2023 had filed the action taken report dated 22.11.2024 disclosing that the EC granted to the present Applicant on 18.11.2022 was kept in abeyance. During the final hearing on 13.12.2024 of OA No. 440/2023, the SEIAA, had stated that the EC granted to the present Applicant was cancelled by SEIAA by order dated 12.12.2024. Therefore, the OA No. 440/2023 was dismissed. The Applicant had filed an application for restoration of EC before SEIAA on 19.12.2024 and thereafter the reminder was filed.

3. The grievance of the applicant in the present OA is that the restoration application has been kept pending and has not been decided till now. In the said background, the Applicant has made the following prayers in the OA:-

“a. Direct the Respondents, particularly SEIAA, Uttar Pradesh, to expeditiously consider and decide the Applicant’s representation dated 19.12.2024 and 07/01/2025 for the restoration of Environmental Clearance (EC) granted on 18.11.2022.

b. Pass any such further orders or directions as may be deemed just, proper, and necessary in the interest of justice and environmental protection.”

4. On the first date of hearing of this OA, counsel for the Applicant on instructions, had submitted that the order dated 12.12.2024, cancelling the EC, was not supplied to the Applicant. The additional affidavit dated 29.01.2025 was filed by the Applicant making the following statements on oath in respect of the non-receipt of a copy of the order cancelling the EC:-

“xxx

xxx

xxx

4. It is respectfully submitted that, to date, the applicant has not received the order dated 12/12/2024, whereby the Environmental Clearance granted to the applicant was cancelled. The said order has not been delivered to the applicant's address, which is H.I.G., A-135, Opposite Mini Shopping Complex, Ashiyana Phase-1, Moradabad, Uttar Pradesh - 244001.”

5. It is worth noting that the action for cancelling EC was taken by SEIAA, UP in view of the conclusion reached by the Applicant in the order dated 28.08.2024 passed in OA No. 440/2023 wherein the Tribunal had found as under:

“xxx

xxx

xxx

13. *We find that though there is gross non-compliance/violation by the PP yet no action either by the SEIAA, UP or UPPCB has taken”*

6. The Tribunal by order dated 28.08.2024 had directed the SEIAA, UP as follows:-

“xxx

xxx

xxx

18. *In view of the above, the SEIAA, UP and UPPCB are directed to take action in accordance with law against the respondent, PP by duly complying with the principles of natural justice and submit further action taken report in the form of affidavit of the Member Secretary, UPPCB and the Member Secretary, SEIAA, UP atleast one week before the next date of hearing.”*

7. The counsel for the Respondent-SEIAA has informed that not only was the EC cancelled, but subsequently the Application made by the applicant for revival of the EC was also rejected, and both the orders were duly communicated to the Applicant.

8. Having heard the learned counsel appearing for the parties on the perusal of the record. We find that the SEIAA, UP, in pursuance of the decision taken in its 861st meeting, had cancelled the EC and had sent the communication/order dated 18.11.2022 to the Applicant not only through the speed post but also through email and had also uploaded it on the SEIAA, UP public portal. The details of the order and its communication and uploading have been disclosed by the SEIAA, UP. The Application for restoration of the EC filed by the Applicant was also considered by SEIAA, UP in its 888th meeting dated 15.04.2025 and the application for

restoration of the EC was rejected, and rejection was also conveyed to the applicant vide communication dated 15.05.2025. The SEIAA, UP, in its reply dated 15.05.2025, has also disclosed that the cancellation of the EC of the Applicant was after serving the show cause notice. The details of order of cancellation of EC and rejection of representation for restoration of EC, and also communication of these orders have been duly disclosed by the SEIAA, UP in its reply dated 14.05.2025 as under:-

“xxx

xxx

xxx

5. *That it is respectfully submitted that, in pursuance of the decision taken in the 851st meeting, the State Environment Impact Assessment Authority (SEIAA), Uttar Pradesh, was pleased to issue a letter bearing No. 72/Parya/SEIAA/5860/5578/2020 dated 21.11.2024 to the Project Proponent, thereby formally keeping the Environmental Clearance in abeyance. A copy of the said letter dated 21.11.2024 is annexed herewith and marked as ANNEXURE-1.*

6. *That it is respectfully submitted that the copy of the letter dated 21.11.2024 was duly communicated to the address of the Project Proponent, Shri Vipin Kumar Saxena, S/o Shri Om Prakash Saxena, R/o MIG-A/135, Aashiyana Pratham, Tehsil and District Moradabad, U.P., in connection with the abeyance of Environmental Clearance for the proposed Sand/Morrum Mining project from the Dhasan Riverbed at Gata No. 1419, Khanda No.-01, Village Dhamnaud, Tehsil Garautha, District Jhansi, U.P. (MoEF&CC Proposal No. SIA/UP/MIN/56882/2020; File No. 5860/5578; Leased Area – 24.00 Ha). The said letter was sent via Registered Post on 22.11.2024 to the address as provided by the Project Proponent on the prescribed Parivesh Portal. However, the registered letter was returned undelivered with the remark “Left” inscribed on the envelope. It is further submitted that the letter dated 21.11.2024 was also sent via e-mail on 22.11.2024 to the e-mail address [saxenavipin82@gmail.com], as furnished by the Project Proponent on the said portal. A copy of the e-mail dispatch report dated 22.11.2024 is annexed herewith and marked as ANNEXURE-2.*

7. *That further, it is pertinent to mention that, following the issuance of the letter dated 21.11.2024, the answering respondent, i.e., SEIAA, U.P., in the interest of justice further 7 days SEIAA shall wait, thereafter, the answering respondent will proceed in accordance with the process established under law for cancellation of the Environmental Clearance (EC).*

8. *That it is respectfully submitted that the matter was placed for consideration before the 861st meeting of SEIAA held on 12.12.2024, wherein it was noted that the matter had earlier been discussed in the 855th meeting. In the said 855th meeting, it was observed that the matter had initially been deliberated upon in the 851st meeting, wherein it was decided to keep the Environmental Clearance, issued vide letter No. EC22B001UP110182 dated 18.11.2022, in abeyance*

in light of the joint committee report submitted by the representative of the Member Secretary, CPCB and the Regional Office, MoEF&CC, Lucknow, dated 08.08.2024. SEIAA further noted that a show-cause notice had been issued to the Project Proponent vide letter No. 221/Parya/SEIAA/5860-5578/2019 dated 27.06.2024. As the Project Proponent had not submitted any response thereto, SEIAA, in the interest of justice, resolved to allow a further period of seven (07) days, failing which proceedings for cancellation of the Environmental Clearance would be initiated. It is submitted that, as of the date of the 861st meeting, no response had been received from the Project Proponent. Accordingly, SEIAA was of the considered opinion that the Environmental Clearance issued vide letter No. EC22B001UP110182 dated 18.11.2022 be cancelled in view of the said joint committee report dated 08.08.2024. A copy of the minutes of the meeting dated 12.12.2024, which was duly uploaded on the prescribed public domain, is filed herewith and marked as ANNEXURE-3.

9. *That it is pertinent to mention that, in pursuance of the decision taken in the 861st Meeting, SEIAA, U.P., issued a letter (No. 87/Parya/SEAC//5860- 5578/2018, dated 22.12.2024) to the project proponent, stating that the EC issued vide letter No EC22B001UP110182 dated 18/11/2022 is hereby cancelled and no more stands valid. A copy of this letter dated 18/11/2022 is annexed herewith as ANNEXURE-4.*

10. *That it is respectfully submitted that the copy of the letter dated 22.12.2024, pertaining to the cancellation of Environmental Clearance for the proposed Sand/Morrum Mining project from the Dhasan Riverbed at Gata No. 1419, Khanda No.-01, Village Dhamnaud, Tehsil Garautha, District Jhansi, U.P. (MoEF&CC Proposal No. SIA/UP/MIN/56882/2020; File No. 5860/5578; Leased Area – 24.00 Ha), was duly communicated to Shri Vipin Kumar Saxena, S/o Shri Om Prakash Saxena, R/o MIG-A/135, Aashiyana Pratham, Tehsil and District Moradabad, U.P., through Registered Post on 22.12.2024, at the address furnished by the Project Proponent on the prescribed Parivesh Portal. However, the said registered communication was returned undelivered with the remark “Left/28.12.2024” noted on the envelope. It is further submitted that the letter dated 22.12.2024 was also sent via e-mail on 24.12.2024 to the e-mail address [saxenavipin82@gmail.com], as provided by the Project Proponent on the said portal. A copy of the e-mail dispatch report dated 24.12.2024 is annexed herewith and marked as ANNEXURE-5.*

11. *That it is pertinent to mention that, procedurally SEIAA minutes are uploaded on the prescribed public domain. It is utter disappointing with the attitude of the project proponent to say that the applicant has not received the order date 12.12.2024, cancelling the EC nor the said order has been served upon the address of the applicant while SEIAA minutes dated 12.12.2024 was procedurally uploaded on the prescribed public domain.*

12. *That it is pertinent to mention that, application of restoration was considered in 888th SEIAA meeting dated 15.04.2025 wherein, SEIAA gone through file and documents and noted that:-*

- a. *Before cancellation of EC, in light of Natural Justice, show cause notice was issued to the project proponent vide letter*

- no. 221/Parya/ SEIAA /5860- 5578/2019 dated 27.06.2024 and was sent by registered post on the address submitted by the proponent in application form for EC but it was not received and returned back. Hence show cause notice was communicated to the project proponent vide email dated 10.07.2024 and 11.07.2024. He never replied to the show cause notice.
- b. Subsequently, the said EC was kept in Abeyance in light of joint committee report of representatives of MS, CPCB and RO, MoEFCCLucknow filed on 08.08.2024, vide letter no. 72/Parya/SEIAA/5860-5578/2020 dated 21.11.2024 and this order was sent by registered post on the address submitted by the proponent in application form for EC, but it was not received and returned back. Hence Abeyance letter was communicated to the project proponent along with DM, Jhansi, MS, UPPCB along with others vide email dated 22.11.2024.
- c. Thereafter said EC was cancelled and letter no. 87/Parya/SEAC/5860- 5578/2018 dated 22.12.2024 with Subject- Cancellation of Environmental Clearance for proposed Sand/Morrum Mining Project at Dhasan River, Gata No.- 1419 Kh, Khand No.- 1, Village: Dhamnaud, Tehsil Garautha& District: Jhansi was sent by registered post on the address submitted by the proponent in application form for EC, it was also communicated to the project proponent along with DM, Jhansi, MS, UPPCB along with others vide email dated 24.12.2024 on the email address submitted by project proponent in application form. Registered post was not received and was returned back. The consultant was also intimated vide email dated 06.01.2025. So it is not correct to say that ...“said order has not been served upon the address of the applicant”.
- d. It is clear that he was in receipt of show cause notices but chose not to reply to the SEIAA on the show cause notices, order keeping the EC in abeyance as well as cancellation of EC order. Otherwise, how did he file restoration application? He is misrepresenting the facts in this matter. Order dated 13.12.2024 in Original Application No. 440/2023 (IA No 607/2024, IA No 535/2024, IA No 383/2024) Naveen Kumar Applicant versus State of Uttar Pradesh &Ors. filed in Hon'ble NGT in the same case states that:

...“5. The Tribunal after considering the report of the joint Committee in the order dated 28.08.2024 had noted that out of 76 “Specific” conditions of EC and 48 “General” conditions, 38 were found to be ‘not complied’, 17 were found to be ‘partially complied’ and 48 were found to be ‘being 3 complied’. Hence, the Tribunal had found gross non-compliance with the majority of the EC conditions. After noting the said non-compliance, the Tribunal directed the SEIAA, UP and UPPCB to take action in accordance with the law against the Project Proponent by duly complying with the principles of natural justice.”...

Hence SEIAA opined to reject the restoration application, as EC was cancelled based on non- compliance of EC conditions as

reported by joint committee and submitted to Hon'ble NGT and ample opportunity was given to him to explain himself.

13. *That further, the Member Secretary, SEIAA, vide letter no. 11/Parya/SEIAA/5860-5578/2020 dated 15.05.2025, was pleased to issue a registered communication to Shri Vipin Kumar Saxena, S/o Shri Om Prakash Saxena, R/o MIG-A/135, Aashiyana Pratham, Tehsil and District Moradabad, U.P., and also through e-mail at saxenavipin82@gmail.com, conveying the rejection of the application for restoration of Environmental Clearance in respect of the proposed Sand/Morrum Mining from Dhasan Riverbed at Gata No. 1419, Khanda No.-01, Village Dhamnaud, Tehsil Garautha, District Jhansi, U.P. (Leased Area – 24.00 Ha). A copy of the said letter dated 15.05.2025 is annexed herewith and marked as ANNEXURE-6.”*

9. Further details have been disclosed by the SEIAA, UP in this regard in the additional affidavit dated 21.05.2025 is as under:-

“1. *That it is pertinent to mention that, in pursuance of the decision taken in the 851st Meeting, SEIAA, U.P., issued a letter No. 72/Parya/SEIAA/5860/5578/2020 dated 21.11.2024 to the Project Proponent, Shri Vipin Kumar Saxena, S/o Shri Om Prakash Saxena, R/o MIG-A/135, Aashiyana Pratham, Tehsil and District-Moradabad (U.P.), formally keeping the Environment Clearance (EC) in abeyance for the proposed sand/morrum mining from Gata No. 1419 Kh, Khand No. 01, Village Dhamnaud, Tehsil-Garautha, District-Jhansi (U.P.) (MoEF&CC Proposal No. SIA/UP/MIN/56882/2020, File No. 5860/5578, Leased Area – 24.00 ha). The said letter was dispatched by Registered Post on 22.11.2024 to the address provided by the Project Proponent on the prescribed Parivesh portal; however, the registered article returned undelivered with the postal remark “Left” on the envelope. A copy of the letter dated 21.11.2024 together with the returned envelope is annexed herewith as ANNEXURE-1.*

2. *That printouts of all relevant e-mails sent on 22.11.2024 conveying the aforesaid letter of EC abeyance to saxenavipin82@gmail.com are annexed herewith as ANNEXURE-2.*

3. *That it is pertinent to mention that, in pursuance of the decision taken in the 861st Meeting, SEIAA, U.P., issued a letter No. 87/Parya/SEAC/5860-5578/2018 dated 22.12.2024 to the Project Proponent, stating that the EC issued vide letter No. EC22B001UP110182 dated 18.11.2022 “is hereby cancelled and no more stands valid”. The said cancellation letter was dispatched by Registered Post on 22.12.2024 to the same address of the Project Proponent along with copies to the District Magistrate and UPPCB; the postal article was returned with the endorsement “Left/28.12.2024” on the envelope. A copy of the letter dated 22.12.2024 together with the returned envelope is annexed herewith as ANNEXURE-3.*

4. *That printouts of all relevant e-mails sent on 24.12.2024 forwarding the aforesaid EC cancellation letter to saxenavipin82@gmail.com are annexed herewith as ANNEXURE-4.*

5. That a screenshot showing the uploading of documents on the SEIAA public portal, wherein the address [saxenavipin82@gmail.com] provided by the Project Proponent is clearly visible, along with a copy of Form-2 posted by the Project Proponent, is annexed herewith as ANNEXURE-5.

6. That screenshots showing the uploading of (i) letter No. 72/Parya/SEIAA/5860/5578/2020 dated 21-11-2024 and (ii) letter No. 11/Parya/SEIAA/5860-5578/2020 dated 15-05-2025 on the SEIAA public portal are annexed herewith as ANNEXURE-6 and ANNEXURE-7, respectively.

7. That in view of the foregoing, all material facts and available documentary evidence concerning the abeyance and subsequent cancellation of the Environment Clearance have been placed on record with utmost diligence, and the undersigned respectfully submits the present report for the kind consideration of the Hon'ble Tribunal, humbly praying that the same may be taken on file and such further directions as deemed fit in the interest of justice and environmental protection may graciously be passed."

10. Hence the contention raised by the counsel for the Applicant that the orders of cancellation of EC and rejection of the application for restoration of EC have not been served upon the Applicant is found to be incorrect. The above reply reflects that the cancellation of EC was duly conveyed to the Applicant through speed post and through email.

11. Learned Senior counsel for the SEIAA has referred to the address of the applicant mention in the EC on page 471 which is as under:-

Vipin Kumar Saxena, Owner
R/o – MIG-A/135,
Aashiyana Prtham The & Distt. Moradabad
Uttar Pradesh – 244001

12. She has also pointed out that in the application for prior EC Form-II the applicant had disclosed the above address and has also referred to the registered speed post envelopes on page 554-555 to show that the communication through speed post was sent on the above address but returned back as left. She has also pointed out that in the Form-II Application for prior EC, the Applicant had disclosed his email address as "saxenavipin82@gmail.com and has referred to the page 482 and 563

whereby on the same email address, the order of cancellation was conveyed to the Applicant.

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. 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.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 23, 2025
I.A Nos. 359/2025 & 353/2025
In Original Application No. 8/2025
A..