

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 99/2025

SOVRAN SINGH

.....APPLICANT

VERSUS

STATE OF U.P. & ORS.

.....RESPONDENT

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THROUGH COUNSEL

A handwritten signature in black ink, appearing to read 'Bpsjadon', with a long horizontal stroke extending to the right.

BHANWAR PAL SINGH JADON
STANDING COUNSEL FOR STATE OF U.P.

EMAIL- bhanwar09jadon@gmail.com

Ph: 9639286572

DATE: 02.08.2025

PLACE: NOIDA

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 99/2025



SOVRAN SINGH

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VERSUS

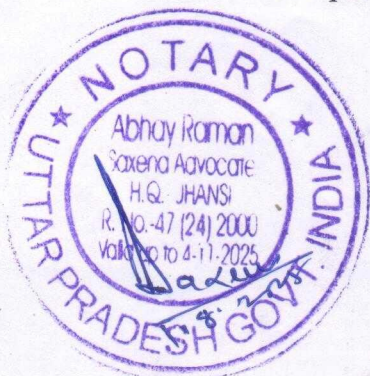
STATE OF U.P. & ORS.

.....RESPONDENT

**RESPONSE ON BEHALF OF UPPCB IN COMPLIANCE WITH ORDER
DATED 05.05.2025 PASSED BY THE HON'BLE NATIONAL GREEN
TRIBUNAL, NEW DELHI**

I, Imraan Ali, aged about 45 years, son of Mr. Usman Ali R/o Mohalla-Qaboolpura, Tehsil-Sadar, District-Badaun, presently posted as Regional Officer, U.P. Pollution Control Board, Jhansi Uttar Pradesh, do hereby solemnly affirm and state as under:

1. That I am the Deponent herein and am well acquainted with the facts and circumstances of the case and am duly authorized and competent to swear the present Affidavit.



2. That the contents of the report have been drafted by my counsel under my instructions and the same are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

I. BACKGROUND OF THE MATTER:

3. That in the present matter, the plea of the Applicant is that the mining lease of the Respondent No. 7 i.e. Chandrapal Singh's mining site (Gata No. 314, Khand-01, Area: 4.75 hectares, Village Manikpura, Tehsil Moth, District Jhansi) was cancelled by the Respondent No. 2, District Magistrate, Jhansi in pursuance to the order of the Tribunal passed in OA No. 742/2024. The grievance of the Applicant is that the Special Secretary, State of UP by order dated 27.01.2025 has allowed the revision and restored the lease. The Applicant has referred to the minutes of the meeting of the SEIAA, UP dated 02.04.2025 whereby the SEIAA, UP had taken note of the fact of cancellation of the lease deed of the private respondents therein and had held the EC to be null and void.

II. ENVIRONMENTAL CLEARANCE GRANTED BY SEIAA, UP

4. That the State Environment Impact Assessment Authority (SEIAA), Uttar Pradesh vide letter dated 28.04.2023 has granted/issued Environmental Clearance (EC) in favour of the Project Proponent i.e. Respondent No. 7.



A Copy of the letter dt. 28.04.2023 has been annexed herewith as ANNEXURE A-1.

III. CONSENT TO OPERATE ISSUED BY UPPCB

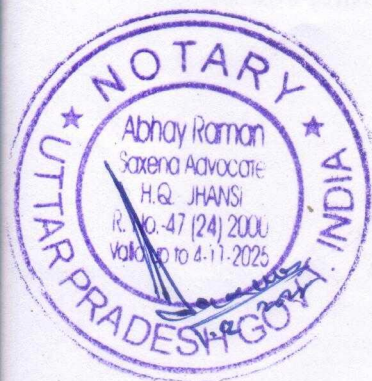
5. That it is pertinent to submit here that the UPPCB had issued CTO dt. 19.10.2023 in favour of the Project Proponent.

A Copy of the CTO dt. 19.10.2023 has been annexed herewith as ANNEXURE A-2.

IV. DIRECTIONS OF THE HON'BLE TRIBUNAL VIDE ORDER DT. 01.07.2024 IN OA 742 OF 2024 (MADAN SEN S/O LATE JAGDISH PRASAD VS STATE OF U.P.)

6. That it is relevant to submit here that an identical matter was pending before this Hon'ble Tribunal, wherein this Hon'ble Tribunal vide order dt. 23.09.2024 directed as under:

“.....I. In this original application allegation of the applicant is in respect of illegal sand mining activity of the Respondent No. 5. Plea of the applicant is that Respondent No. 5 has been granted certificate/ permission for conducting the sand mining at a depth of not more than 2-3 meters but acting contrary to it, he is carrying out the mining operation at



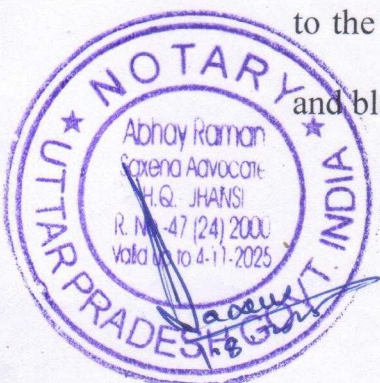
a depth 80-100 ft. that too in main stream of the River Betwa using heavy machinery which is not permissible.....

2. Further plea of the applicant is that Respondent No. 5 is violating the EC conditions as also the provision of Sustainable Sand Mining Management Guidelines, 2016. In support of the plea learned counsel for the applicant during course of the arguments has referred to the photographs filed from page 67 to page 73. He has also referred to the notice dated 10.01.2024 annexure A-6 sent by the District Magistrate, Jhansi mentioning above the violation of the Rules and also using the prohibited machinery and carrying out the illegal sand mining in the 2 main stream of the river and proposing to impose the penalty for the same. He has also submitted that though the complaint in respect of the main stream mining, was made on 03.06.2024 Annexure A-8 but no action has been taken by the concerned Authorities till now.....”

“.....5. Issue notice to the Respondents for filing their response at least one week before the next date of hearing.....”

V. MINING LEASE CANCELLED BY DISTRICT MAGISTRATE, JHANSI VIDE ORDER DT. 12.08.2024

7. That in compliance of the aforementioned order the mining lease granted to the Respondent No. 7 was cancelled by the District Magistrate, Jhansi and blacklisted him for 2 years vide order dt. 12.08.2024.



A Copy of the order dt. 12.08.2024 has been annexed herewith as
ANNEXURE A-3.

VI. ABEYANCE OF CTO BY UPPCB

8. That in view of the order dt. 12.08.2024 passed by the District Magistrate, Jhansi, the UPPCB vide letter dt. 30.08.2024 has kept in abeyance the CTO issued to the Project Proponent till further orders.

A Copy of the letter dt. 30.08.2024 has been annexed herewith as
ANNEXURE A-4.

V. COMMUNICATION WITH THE MINING DEPARTMENT

9. That further the UPPCB has written a letter dt. 13.09.2024 to the Mining Officer, Jhansi. That vide the said letter the information regarding the details of illegal mining done by Project Proponent, its quantity and its market rate, so that environmental compensation could be imposed against the Project Proponent as per the guidelines of Central Pollution Control Board.

A Copy of the letter dt. 13.09.2024 has been annexed herewith as
ANNEXURE A-5.

10. That in response to the aforementioned letter, the Mining Department, Jhansi has written a letter dt. 17.09.2024. That vide the said letter the



Mining Department has given the details of the inspections conducted and fine imposed against the Project Proponent for the illegal mining in contravention of the Uttar Pradesh Minor Minerals (Concession) Rules, 2021. That the said letter stated that during the inspection dated 27.06.2024, 336 cubic meters of sand/morrum was found stored outside the lease area of the Project Proponent. The market value of the mineral was assessed at Rs.2,52,000/-.

A Copy of the letter dt. 17.09.2024 has been annexed herewith as **ANNEXURE A-6.**

VII. SHOW CAUSE NOTICE ISSUED BY UPPCB

11. That in view of the recommendations of the Mining Department, Jhansi vide the aforementioned letter dt. 17.09.2024, the UPPCB has issued a show cause notice dt. 19.09.2025. That vide the said notice the compensation to be imposed upon the Project Proponent is calculated using the formula:

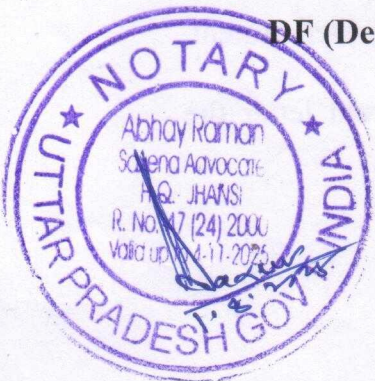
$$\text{Compensation} = D \times (1 + RF + DF)$$

Where:

D (Market Value of illegally mined material):Rs. 2,52,000/-

RF (Risk Factor): 0.5

DF (Deterrence Factor): 0.3



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Accordingly, the assessed environmental compensation amounts to Rs. 4,53,600/- (Rupees Four Lakh Fifty-Three Thousand Six Hundred only).

Therefore, vide the said notice it has been directed to the Project Proponent to submit your reply to this notice within **15 days** or else the said compensation shall be imposed upon the Project Proponent.

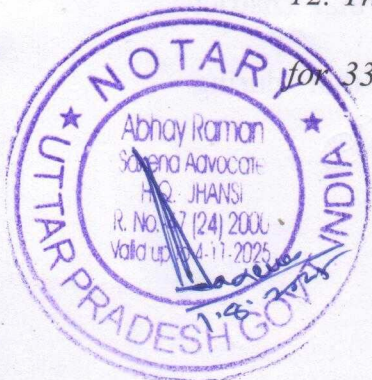
A Copy of the show cause notice dt. 19.09.2024 has been annexed herewith as **ANNEXURE A-7**.

VIII. DIRECTIONS OF THE HON'BLE TRIBUNAL VIDE ORDER DT. 23.09.2024 IN OA 742 OF 2024 (MADAN SEN S/O LATE JAGDISH PRASAD VS STATE OF U.P.)

12. That it is pertinent to submit that in the matter of *Madan Sen S/O Late Jagdish Prasad Vs State Of U.P. (OA 742 OF 2024)*, this Hon'ble Tribunal vide order dt. 23.09.2024 disposed of the said application and directed as under:

"11. Having regard to the above analysis, we are of the view that appropriate action has already been initiated/taken by the District 4 Magistrate, Jhansi and the UPPCB. Hence, we require the UPPCB to complete the pending proceedings of imposition of environmental compensation expeditiously and pass the final order.

12. The show cause notice dated 19.09.2024 issued by the UPPCB is only for 336 cubic meters of sand found to be stored outside the lease area,



whereas the reply of the District Magistrate dated 17.09.2024 reflects that at least on three inspections on 05.01.2024, 22.04.2024 and 01.05.2024, the Respondent No. 5 was found carrying out instream sand mining which is not permissible. Hence, the UPPCB is also directed to take action for causing environmental damage on account of instream mining.

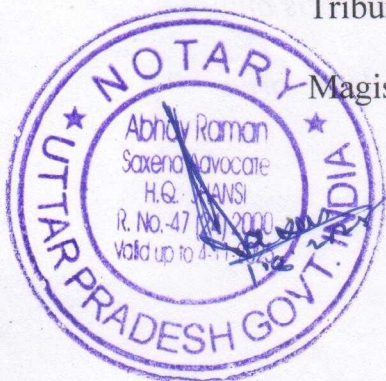
13. It is also noticed that SEIAA, UP has not initiated any action against Respondent No. 5 for violation of the EC conditions. Hence, the SEIAA, UP will also examine the issue of violation of EC conditions by Respondent No. 5 and take appropriate expeditious action in accordance with the law."

A Copy of the order dt. 23.09.2024 has been annexed herewith as **ANNEXURE A-8.**

13. That in compliance of the aforementioned order, an affidavit dt. 20.09.2024 has already been filed before this Hon'ble Tribunal.

IX. RECOMMENDATION FOR IMPOSITION OF FURTHER EC

14. That the UPPCB, Jhansi has written a recommendation letter dt. 12.06.2025 to the Chief Environmental Officer (Circle-2), U.P. Pollution Control Board, Lucknow in compliance of the Point 12 of the Hon'ble Tribunal's order dt. 23.09.2024. That the said letter states that District Magistrate, Jhansi vide dated 17.09.2024 has reported that during



eg

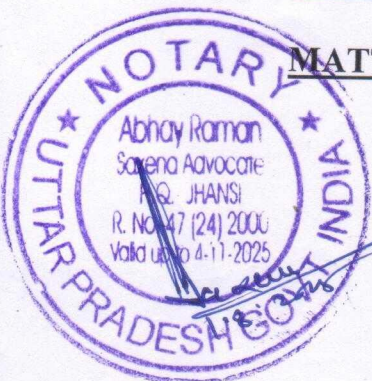
inspections conducted by the Mining Department on 05.01.2024, 22.04.2024, and 01.05.2024, the concerned leaseholder was found to have carried out in-stream mining and other irregularities. This constitutes a clear violation of Condition No. 32 of the Environmental Clearance issued by the Ministry of Environment, Forest and Climate Change, Government of India. Therefore, vide the said letter it was recommended as under:

- i. To confirm and impose environmental compensation of Rs. 4,53,600/- (Rupees Four Lakh Fifty-Three Thousand Six Hundred only) as per the show cause notice issued by the UPPCB vide Letter dated 19.09.2024;
- ii. To issue an additional show cause notice imposing environmental compensation of Rs.11,80,000/- (Rupees Eleven Lakh Eighty Thousand only) for the violation of Condition No. 32 of the Environmental Clearance during the period between 05.01.2024 and 01.05.2024 (a total of 118 days).

A Copy of the letter dt. 17.09.2024 has been annexed herewith as **ANNEXURE A-9.**

A Copy of the letter dt. 12.06.2025 along with inspection report has been annexed herewith as **ANNEXURE A-10.**

X. DIRECTIONS OF THE HON'BLE TRIBUNAL IN THE PRESENT MATTER ON THE LAST DATE OF HEARING



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15. That the present matter was last listed for hearing on 05.05.2025, wherein the Hon'ble Tribunal directed as under:

"4. Issue notice on OA and IA No. 149/2025, an Application for Ad interim Ex-parte stay to the respondents for filing their response/reply by way of affidavit before the Tribunal at least one week before the next date of hearing through e-filing. If any respondent directly files the reply without routing it through his advocate, then the said respondent will remain virtually present to assist the Tribunal. The Applicant is directed to serve the respondents and file affidavit of service at least one week before the next date of hearing.

5. Till the next date of hearing, the official respondents shall ensure that Respondent No. 7 does not indulge in illegal mining.

XI. DIRECTIONS OF THE HON'BLE HIGH COURT OF ALLAHABAD IN WRIT – C NO. 4816 OF 2024, JUDGEMENT DT. 17.07.2025

16. That the Hon'ble High Court of Allahabad in Writ-C No. 4816 of 2024 vide Judgement dt. 17.07.2025, directed as under:

"(82) In view of the foregoing discussion, we hold that the State Pollution Control Board has no power to impose environmental compensation upon any person or Industry and it can merely file an application before the



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NGT under Section 15 read with Section 18 of the NGT Act for issuance of a direction to the person concerned for payment of compensation.

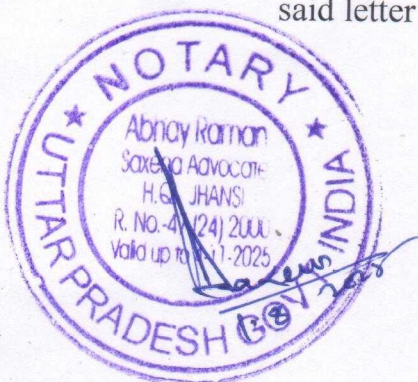
(83) Accordingly, all the Writ Petitions are allowed. All the orders passed by the State Pollution Control Board imposing environmental compensation upon the petitioners, which are under challenge in the Writ Petitions, are quashed. The State Pollution Control Board will be at liberty to file applications before the NGT for award of compensation. Costs made easy."

That in view of the above judgment, the Hon'ble High Court of Allahabad has categorically held that UPPCB has no authority to impose environmental compensation directly. The Board may only approach the NGT under Sections 15 and 18 of the NGT Act for such relief. Accordingly, no EC has been further imposed by UPPCB in the present matter.

A Copy of the Judgement dt. 17.07.2025 has been annexed herewith as ANNEXURE A-11.

XII. LATEST COMMUNICATION WITH MINING DEPARTMENT

17. That further, the UPPCB has written a letter dt. 22.05.2025 to the Mining Officer, Jhansi for obtaining latest status of mining. That the reply to the said letter is awaited.



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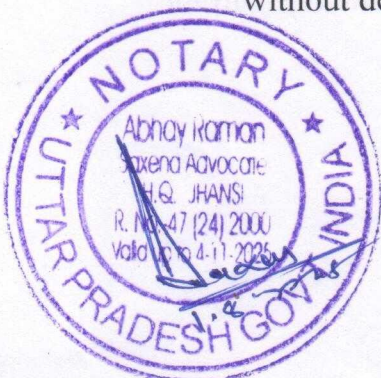
A Copy of the letter dt. 22.05.2025 has been annexed herewith as
ANNEXURE A-12.

XIII. LATEST COMMUNICATION WITH THE SEIAA

18. That Additional District Magistrate (Judicial), Jhansi has written a letter dt. 31.05.2025 to the Member Secretary State Level Environment Impact Assessment Authority (SEIAA) U.P. for validation status of Environmental Clearance dated 28.04.2023 issued in favor of Respondent No.7.

A Copy of the letter dt. 31.05.2025 has been annexed herewith as
ANNEXURE A-13.

19. That the deponent is duty bound to fulfil the obligation which are assigned under the law and directions passed by this Hon'ble Tribunal. The Deponent is fully committed to ensure strict adherence to the orders of this Hon'ble Tribunal and undertakes to faithfully comply with any further directions or instructions that may be issued by this Hon'ble Tribunal, without demur or delay.



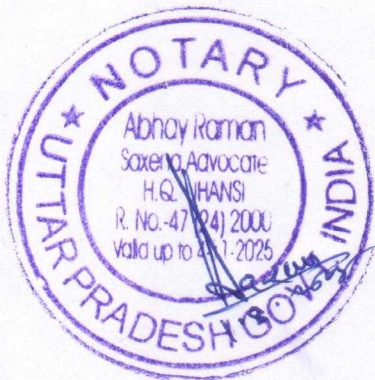
20. Hence, the present response is being submitted for the kind perusal of this Hon'ble Tribunal. It is prayed that the same be taken on record.


DEPONENT

VERIFICATION

Verified at Jhansi on this 01st day of August, 2025, that the contents of the above affidavit from paragraphs 1 to 20 are believed to be true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.


DEPONENT



Serial No. 6564 Date 1.8.2025
 Certified that the foregoing statement
 sworn before me this day at.....
 by Shri/Smt./Kum. Imraan Ali
 to whom the contents of this affidavit have
 been read over and explained and who
 is identified by Shri. Self
 Enclosed the legal fee Rs. 30

ABHAY RAMAN SAXENA
 ADVOCATE
 NOTARY JHANSI, JHANSI
1.8.2025



State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

Vineet Khand-1, Gomti Nagar, Lucknow- 226010

E-Mail- doeuplko@yahoo.com, seiaaup@yahoo.com

Phone no- 0522-2300541

Reference- MoEFCC Proposal no- SIA/UP/MIN/403744/2022 & SEIAA, U.P File no-7335/6342

Sub: Environmental Clearance for Sand/Morrum Mining" at Betwa River Bed Gata No.- 314, Khand – 01, Village: Manikpura, Tehsil: Moth, District: Jhansi, U.P., (Leased Area: 4.75 Ha.).

Dear Sir,

This is with reference to your application / letter dated 09-06-2021, 11-08-2021, 11-11-2022, 23-11-2022 above mentioned subject. The matter was considered by 705th SEAC in meeting held on 25-11-2022 & 736th SEAC in meeting held on 20-03-2023 and 720th SEIAA in meeting held on 20-04-2023.

A presentation was made by the project proponent along with their consultant M/s P & M Solution to SEAC on 25-11-2022 & 20-03-2023.

Project Details Informed by the Project Proponent and their Consultant

The project proponent, through the documents and presentation gave following details about their project –

1. The environmental clearance is sought for "Sand/Morrum Mining" at Betwa River Bed Gata No.- 314, Khand – 01, Village: Manikpura, Tehsil: Moth, District: Jhansi, U.P., (Leased Area: 4.75 Ha.).
2. The terms of reference in the matter were issued by SEIAA, U.P. Ref. No. 271/Parya/SEIAA/6342/2021, Dated: 27/10/2021.
3. The public hearing was organized on 06/05/2022. Final EIA report submitted by the project proponent on 19/10/2022.
4. Salient features of the project as submitted by the project proponent:

1. On-line proposal No.	SIA/UP/MIN/403744/2022
2. File No. allotted by SEIAA,UP	7335/6342
3. Name of Proponent	Shri Chandra Pal Singh s/o Shri Bhopal Singh
4.Full correspondence address of proponent and mobile no.	R/o Krishna Nagar Colony, Khara Gadiyagaon, Tehsil & District: Jhansi (U. P)
5. Name of Project	"Sand/ Moram" Mining project at Betwa River Bed
6. Project location (Plot/Khasra/Gata No.)	Gata No.314,Khand No.01
7. Name of River	Betwa River
8.Name of Village	Manikpura
9. Tehsil	Moth
10.District	Jhansi, U.P.
11. Name of Minor Mineral	"Sand/ Moram" Mining project at Betwa River Bed
12. Sanctioned Lease Area (in Ha.)	Total Lease Area: 4.75 Ha
13. Mineable Area (in Ha.)	3.529 Ha
14. Zero Level mRL	-
15. Max. & Min mRL within lease area	Highest Point :162 mRL Lowest Point :159 mRL
16. Pillar Coordinates (Verified by DMO)	Sanction Lease Area Co-ordinate

ENVIRONMENTAL
CLEARANCE

Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment
Authority(SEIAA), UTTAR PRADESH)

To,

The Proponent
SHRI. CHANDRA PAL SINGH
Krishna Nagar Colony, Khara Gadiyagaon, Tehsil and District Jhansi, U.P
-284003

Subject: Grant of Environmental Clearance (EC) to the proposed Project Activity
under the provision of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC)
in respect of project submitted to the SEIAA vide proposal number
SIA/UP/MIN/403744/2022 dated 11 Nov 2022. The particulars of the environmental
clearance granted to the project are as below.

- | | |
|---|--|
| 1. EC Identification No. | EC23B001UP176919 |
| 2. File No. | 7335-6342 |
| 3. Project Type | New |
| 4. Category | B |
| 5. Project/Activity including
Schedule No. | 1(a) Mining of minerals |
| 6. Name of Project | "Sand/Morrum Mining" at Betwa River
Bed |
| 7. Name of Company/Organization | SHRI. CHANDRA PAL SINGH |
| 8. Location of Project | UTTAR PRADESH |
| 9. TOR Date | N/A |

The project details along with terms and conditions are appended herewith from page
no 2 onwards.

Date: 28/04/2023

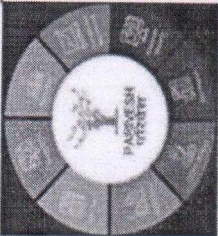
(e-signed)
Member Secretary
Member Secretary
SEIAA - (UTTAR PRADESH)

*Note: A valid environmental clearance shall be one that has EC identification
number & E-Sign generated from PARIVESH. Please quote identification
number in all future correspondence.*

This is a computer generated cover page.

PARIVESH

(Pro-Active and Responsive Facilitation by Interactive,
and Virtuous Environmental Single-Window Hub)



(Source: Verified Khasra Map)	Pillars	Latitude (N)	Longitude (E)
	A	25°39'4.99"N	78°58'40.82"E
B	25°39'09.27"N	78°58'43.45"E	
C	25°39'23.78"N	78°58'36.06"E	
D	25°39'20.91"N	78°58'40.71"E	
E	25°39'10.55"N	78°58'46.43"E	
F	25°39'03.30"N	78°58'43.62"E	
17. Total Geological Reserves (Source: Approved Mining Plan)	40,770 m ³		
18. Total Mineable Reserves (Source: Approved Mining Plan)	23,750 m ³		
19. Total Proposed Production (in five years)	1,18,750 m ³		
20. Proposed Production/year	23,750 m ³ per annum		
21. Sanctioned Period of Mine lease	5 years		
22. Method of Mining	Opencast, semi-mechanized		
23. No. of Working days	260 Days		
24. Working hours/day	8 hours/day		
25. No. Of Workers	52		
26. No. of vehicles movement/day	4 Units (Assumed Loading Capacity: 40 T/Unit)		
27. Type of Land	State Government Land		
28. Ultimate Depth of Mining (Source: Approved Mining Plan)	0.56 m (162 mRL – 161.44 mRL)		
29. Nearest metalled road from site	1500 m		
30. Water Requirement	Purpose	Requirement (KLD)	
	Drinking	0.260	
	Suppression of Dust	10.5	
	Plantation	7.125	
	Total	17.885	
31. Name of QCI Accredited Consultant with QCI No. and period of validity.	P AND M Solution Certificate No.: NABET/EIA/1922/IA0053, Valid Till Dec 10/2022		
32. Any litigation pending against the project or hand in any court	No		
33. Details of 500 m Cluster Map & certificate issued by Mining Officer	Cluster certificate issued by DMO (Mining Section), Jhansi. Letter No. 2197/30एम. एम. सी/2020-21, Date - 19/02/2021.		
34. Details of Lease Area in approved DSR	Letter.No.184/M 228/2017 (Khanan niti)-दिनांक: 01.07.2021Sr. No.-6.		
35. Proposed CER Cost	Rs. 2.80 Lakhs (2 % of the total Project Cost)		
36. Proposed EMP Cost	Rs. 34.65Lakhs		
37. Length and width of Approach Road	Approach Road Length 1500 m & Width 7 m		
38. No. of Trees to be Planted	5000 Trees		

5. The mining would be restricted to unsaturated zone only above the phreatic water table and will not intersect the ground water table at any point of time.
6. This project does not attract any of the general conditions applicable on mining projects specified in EIA Notification 14/09/2006.

7. The mining operation will not be carried out in safety zone of any bridge or embankment or in eco-fragile zone such as habitat of any wild fauna.
8. There is no litigation pending in any court regarding this project.
9. The project proposal falls under category-1(a) of EIA Notification, 2006 (as amended).

Based on the recommendations of the State Level Expert Appraisal Committee Meeting (SEAC) held on 25-11-2022 & 20-03-2023 the State Level Environment Impact Assessment Authority (SEIAA) in its Meeting held 20-04-2023 and decided to grant the Environmental Clearance to the title project for collection of 23,750 m³ for lease area of 4.75 ha subject to effective implementation of the following General Conditions and specific conditions:-

General condition:

1. This environmental clearance is subject to allotment of mining lease in favour of project proponent by District Administration/Mining Department.
2. Forest clearance shall be taken by the proponent as necessary under law.
3. Any change in mining area, khasra numbers, entailing capacity addition with change in process and or mining technology, modernization and scope of working shall again require prior Environmental Clearance as per the provisions of EIA Notification, 2006 (as amended).
4. Precise mining area will be jointly demarcated at site by project proponent and officials of Mining/Revenue department prior to starting of mining operations. Such site plan, duly verified by competent authority along-with copy of the Environmental Clearance letter will be displayed on a hoarding/board at the site. A copy of site plan will also be submitted to SEIAA within a period of 02 months.
5. Mining and loading shall be done only within day hours' time.
6. No mining shall be carried out in the safety zone of any bridge and/or embankment.
7. It shall be ensured that standards related to ambient air quality/effluent as prescribed by the Ministry of Environment & Forests are strictly complied with. Water sprinklers and other dust control majors should be applied to take-care of dust generated during mining operation. Sprinkling of water on haul roads to control dust will be ensured by the project proponent.
8. All necessary statutory clearances shall be obtained before start of mining operations. If this condition is violated, the clearance shall be automatically deemed to have been cancelled.
9. Parking of vehicles should not be made on public places.
10. No tree-felling will be done in the leased area, except only with the permission of Forest Department.
11. No wildlife habitat will be infringed.
12. It shall be ensured that excavation of minor mineral does not disturb or change the underlying soil characteristics of the river bed /basin, where mining is carried out.
13. It shall be ensured that mining operation of Sand/Moram will not in any way disturb the, velocity and flow pattern of the river water significantly.
14. It shall be ensured that there is no fauna dependant on the river bed or areas close to mining for its nesting. A report on the same, vetted by the competent authority shall be submitted to the RO, PCB and SEIAA within 02 months.
15. Primary survey of flora and fauna shall be carried out and data shall be submitted to the RO, PCB and SEIAA within six months.
16. Hydro-geological study shall be carried out by a reputed organization/institute within six months and establish that mining in the said area will not adversely affect the ground water regime. The report shall be submitted to the RO, PCB and SEIAA within six months. In case adverse impact is observed /anticipated, mining shall not be carried out.
17. Adequate protection against dust and other environmental pollution due to mining shall be made so that the habitations (if any) close by the lease area are not adversely affected. The

- status of implementation of measures taken shall be reported to the RO, UPPCB and SEIAA and this activity should be completed before the start of sand mining.
18. Need-based assessment for the nearby villages shall be conducted to study economic measures which can help in improving the quality of life of economically weaker section of society. Income generating projects/tools such as development of fodder farm, fruit bearing orchards, vocational training etc. can form a part of such program me. The project proponent shall provide separate budget for community development activities and income generating programmes.
 19. Green cover development shall be carried out following CPCB guidelines including selection of plant species and in consultation with the local DFO/Horticulture Officer.
 20. Separate stock piles shall be maintained for excavated top soil, if any, and the top soil should be utilized for green cover/tree plantation.
 21. Dispensary facilities for first-aid shall be provided at site.
 22. An Environmental Audit should be annually carried out during the operational phase and submitted to the SEIAA.
 23. The District Mining Officer should quarterly monitor compliance of the stipulated conditions. The project proponent will extend full cooperation to the District Mining Officer by furnishing the requisite data/information/monitoring reports. In case of any violations of stipulated conditions the District Mining Officer will report to SEIAA.
 24. The project proponent shall submit six monthly reports on the status of compliance of the stipulated environmental clearance conditions including results of monitored data (both in hard & soft copies) to the SEIAA, the District Officer and the respective Regional Office of the State Pollution Control Board by 1st June and 1st December every year.
 25. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parisad/ Municipal Corporation and Urban Local Body.
 26. Transportation of materials shall be done by covering the trucks / tractors with tarpaulin or other suitable mechanism to avoid fugitive emissions and spillage of mineral/dust.
 27. Waste water, from temporary habitation campus be properly collected & treated before discharging into water bodies the treated effluent should conform to the standards prescribed by MoEF/CPCB.
 28. Measures shall be taken for control of noise level to the limits prescribed by C.P.C.B.
 29. Special Measures shall be adopted to protect the nearby settlements from the impacts of mining activities. Maintenance of Village roads through which transportation of minor minerals is to be undertaken, shall be carried-out by the project proponent regularly at his own expenses.
 30. Measure for prevention & control of soil erosion and management of silt shall be undertaken. Protection of dumps against erosion, if any, shall be carried-out with geo textile matting or other suitable material.
 31. Under corporate social responsibility a sum of 5% of the total project cost or total income whichever is higher is to be earmarked for total lease period. Its budget is to be separately maintained. CER component shall be prepared based on need of local habitant. Income generating measures which can help in upliftment of poor section of society, consistent with the traditional skills of the people shall be identified. The programme can include activities such as development of fodder farm, fruit bearing orchards, free distribution of smokeless Chula etc.
 32. Possibility for adopting nearest three villages shall be explored and details of civic amenities such as roads, drinking water etc proposed to be provided at the project proponent's expenses shall be submitted within 02 months from the date of issuance of Environment Clearance.
 33. The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the Integrated Regional Office, MoEF&CC, Gol, Lucknow, SEIAA, U.P and UPPCB.
 34. Action plan with respect to suggestion/improvement and recommendations made and agreed during Public Hearing shall be submitted to the District mines Officer, concern Regional Officer of UPPCB and SEIAA within 02 months.

35. Environmental clearance is subject to obtaining clearance under the Wildlife (Protection) Act, 1972 from the competent authority, if applicable to this project.
36. The proponent shall observe every 15 day for nesting of any turtle in the area. Based on the observations so made, if turtle nesting is observed, necessary safeguard measures shall be taken in consultation with the State Wildlife Department. For the purpose, awareness shall be created amongst the workers about the nesting sites so that such sites, if any, are identified by the workers during operations of the mine for taking required safeguard measures. In this regards the safety notified zone should be left so that the habitat/nesting area is undisturbed.
37. The project proponent shall undertake adequate safeguard measures during extraction of river bed material and ensure that due to this activity the hydro geological regime of the surrounding area shall not be affected.
38. The project proponent shall obtain necessary prior permission of the competent Authorities for withdrawal of requisite quantity of water (surface water and groundwater), required for the project.
39. Appropriate mitigative measures shall be taken to prevent pollution of the river in consultation with the State Pollution Control Board. It shall be ensured that there is no leakage of oil and grease in the river from the vehicles used for transportation.
40. Vehicular emissions shall be kept under control and regularly monitored. The vehicles carrying the mineral shall not be overloaded.
41. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. (MoEF circular Dated : 22-09-2008 regarding stipulation of condition to improve the living conditions of construction labour at site).
42. Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects. Occupational health surveillance program of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.
43. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parishad/ Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.
44. The environmental statement for each financial year ending 31st March in Form-V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the Integrated Regional Office, MoEF&CC, GoI, Lucknow by e-mail.
45. The green cover development/tree plantation is to be done in an area equivalent to 20% of the total leased area either on river bank or along road side (Avenue Plantation).
46. Debris from the river bed will be collected and stored at secured place and may be utilized for strengthen the embankment.
47. Safety measures to be taken for the safety of the people working at the mine lease area should be given, which would also include measure for treatment of bite of poisonous reptile/insect like snake.
48. Periodical and Annual medical checkup of workers as per Mines Act and they should be covered under ESI as per rule.

Specific Conditions:

1. District Mining Officer shall ensure that if mineable quantity mentioned in LOI is amended as per replenishment study report the project proponent shall seek amended/fresh EC.

2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
3. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
4. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
5. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
6. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 5,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
7. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 25 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
8. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
9. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.
10. Number of mining projects are coming up in district. Department of Geology & Mines, GoUP to carry out regional EIA-EMP report including carrying capacity of environmental components to assess the capacity to further bear the pollution load for such areas within a period of 1 year and submit the same to SEIAA, UP for evaluation.
11. Department of Geology & Mines, GoUP in consultation with UPSPCB will establish required number of CAAQMS in district within a period of one year and submit geo-referenced map of these stations along with data. Details of existing CAAQMS, if any, be submitted within a period of three months.
12. Large number of mining projects are ongoing as well as new mining leases are coming up in the district. A reference be sent to DGM and MS, SPCB for preparing mitigation plan for controlling air pollution in the district especially in mining areas.
13. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.
14. In compliance of Hon'ble NGT Order dated 06.05.2022, for subsequent years, Project Proponent shall submit fresh annual replenishment study to SEIAA, UP for amendment in EC for mineable quantity and maximum permissible depth for mining based on scientific findings of replenishment study. Such study shall be placed before SEAC for appraisal for next three years to assess rate of deposition and accordingly, mineable production capacity and depth can be

- prescribed based on trends analysis, provided it is found scientifically satisfactory by the SEAC. The placing of the study report SEAC is mandatory for initial three years.
15. NOC from Irrigation Department/ Concerning Authority regarding river bed mining to be obtained before start of mining activity.
 16. The project proponent shall install solar light in their site office.
 17. During the submission of 6 monthly compliance reports, the project proponent should make sure that the periodically taken site photographs should also be annexed, along with the compliance report.
 18. Preference should be given to indigenous local species as per the consultation of the local district Forest Officer.
 19. Link Road from the quarry site to the main road shall be constructed as an all-weather road with blacktopping and maintained by the project proponent.
 20. Vehicular emissions should be kept under control and regularly monitored. Suitable measures shall be taken for proper maintenance of vehicles used in a quarry operation and transportation.
 21. The project proponent should explore the possibilities of rainwater harvesting.
 22. Agreement/ Consent between project proponent and competent authority/ landowner for haulage road from lease site to link road.
 23. Latest technology (water sprinklers/ tankers) to be adopted for mitigating dust at source points in lease area and haulage road during operational activity/vehicular movement.
 24. As per the proposed plan, plantation with area specific plant species, number of plants to be planted.
 25. Water requirement details along with source of water and the permission/ agreement with the concerning authority/ water supplying agencies to be submitted.
 26. Submit the study report of lease area that the quantity given in Lol will be mined without affecting the geo-hydrology of the River.
 27. The Environmental clearance will be co-terminus with the mining lease period/mining plan whichever is less.
 28. At the time of operation, project proponent will comply with all the guidelines issued by Government of India/State Govt./District Administration related to Covid-19.
 29. Environment management in according to environmental status and impact of the project.
 30. During the school opening and closing time transportation of minerals will be restricted.
 31. Selection of plants for green belt should be on the basis of pollution removal index. Project proponent should ensure survival of tree saplings. Mortality should be replaced from time to time.
 32. No mining activity should be carried out in-stream channel as per SSMMG, 2016.
 33. Pakkamotorable haul road to be maintained by the project proponent.
 34. A separate Environmental Management Cell with suitable qualified personnel shall be set-up under the control of a Senior Executive, who will report directly to the Head of the Organization.
 35. Permission from the competent authority regarding evacuation route should be taken.
 36. One month monitoring report of the area for air quality, water quality, Noise level. Besides flora & fauna should be examined twice a week and be submitted within 45 days for a record.
 37. Provision for cylinder to workers should be made for cooking.
 38. The capacity of trucks/tractor for loading purpose will be in tonnes as per Transport Department applicable norms and standard fixed by the Government.
 39. Approach road kaccha is to be made motarable and tree saplings to be planted on both sides of the road. Width of the haul road shall be more than 6 meter.
 40. Indigenous plants should be planted according to CPCB guidelines and in consultation with local Divisional Forest Officer.
 41. The project proponent shall in 2 years conduct detailed replenishment study duly authenticated by a QCI-NABET accredited consultant, and the District Mines Officer.
 42. Provision for two toilets and hand pumps should be made at mining site.

43. Drinking water for workers would be provided by tankers.
44. Mining should be done by Bar scalping methods extraction (typically 0.3 -0.6 m or 1 - 2 ft) as per sustainable sand mining management guidelines 2016.
45. A buffer/safe zone shall be maintained from the habitation as per mining guidelines.
46. Corporate Environmental Responsibility (CER) plan shall be prepared by the project proponent and the details of the various heads of expenditure to be submitted as per the guidelines provided in the recent CER notification No. 22-65/2017-IA.III dated 01/05/2018.
47. Health/Insurance card, Medical claim, regular health check-up camps, facilities shall be provided to the regular/temporary/Contractual or any base workers. Copy of receipt shall be produced to the Directorate of Environment along with the compliance report.
48. Measure for conservation of water through rainwater harvesting and cleaning and maintenance of natural surface water bodies of the nearby areas may be considered as one of the activity in CER.
49. The excavated mining material should be carried and transported in such a way that no obstruction to the free flow of water takes place. Suitable measure should be taken and details to be provided to concern Department.
50. Submit annual replenishment report certified by an authorized agency. In case the replenishment is lower than the approved rate of production, then the mining activity / production levels shall be decreased / stopped accordingly till the replenishment is completed.
51. The project proponent shall ensure that if the project area falls within the eco-sensitive zone of National park/ Sanctuary prior permission of statutory committee of National board for wild life under the provision of Wildlife (Protection) Act, 1972 shall be obtained before commencement of work.
52. If in future this lease area becomes part of cluster of equal to or more than 05 ha. then additional conditions based on the EIA shall be imposed. The lease holder shall mandatorily follow cluster conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per law shall be initiated against the authority issuing the cluster certificate.
53. Project falling within 10 KM area of Wild Life Sanctuary is to obtain a clearance from National Board Wild Life (NBWL) even if the eco-sensitive zone is not earmarked.
54. To avoid ponding effect and adverse environmental conditions for sand mining in area, progressive mining should be done as per sustainable sand mining management guidelines 2016.
55. In case it has been found that the E.C. obtained by providing incorrect information, submitting that the distance between the two adjoining mines is greater than 500mt. 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 E.C issued will stand revoked.
56. The project proponent shall in 2 years conduct detailed replenishment study duly authenticated by a QCI-NABET accredited consultant, and the District Mines Officer which shall form the basis for midterm review of conditions of Environmental Clearance.
57. The mining work will be open-cast and manual/semi mechanized (subject to orders). Heavy machine such as excavator, scooper etc. should not be employed for mining purpose. No drilling/blasting should be involved at any stage.
58. It shall be ensured that there shall be no mining of any type within 03 m or 10% of the width which-ever is less, shall be left on both the banks of precise area to control and avoid erosion of river bank. The mining is confined to extraction of sand/moram from the river bank only.
59. The project proponent shall undertake adequate safeguard measures during extraction of river bank material and ensure that due to this activity the hydro-geological regime of the surrounding area shall not be affected.
60. The project proponent shall adhere to mining in conformity to plan submitted for the mine lease conditions and the Rules prescribed in this regard clearly showing the no work zone in the mine lease i.e. the distance from the bank of river to be left un-worked (Non mining area), distance

from the bridges etc. It shall be ensured that no mining shall be carried out during the monsoon season.

61. The project proponent shall ensure that wherever deployment of labour attracts the Mines Act, the provision thereof shall be strictly followed.
62. The project proponent will provide personal protective equipment (PPE) as required, also provide adequate training and information on safety and health aspects. Periodical medical examination of the workers engaged in the project shall be carried out and records maintained. For the purpose, schedule of health examination of the workers should be drawn and followed accordingly.
63. The critical parameters such as PM10, PM2.5, SO2 and NOx in the ambient air within the impact zone shall be monitored periodically. Further, quality of discharged water if any shall also be monitored [(TDS, DO, pH, Fecal Coliform and Total Suspended Solids (TSS))].
64. Effective safeguard measures, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads.
65. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
66. The extended mining scheme will be submitted by the proponent before expiry of present mining plan.
67. Four ambient air quality-monitoring stations should be established in the core zone as well as in the buffer zone for monitoring PM10, PM2.5, SO2 and NOx. Location of the stations should be decided based on the meteorological data, topographical features and environmentally and ecologically sensitive targets and frequency of monitoring should be undertaken in consultation with the State Pollution Control Board.
68. Common road for transportation of mineral is to be maintained collectively. Total cost will be shared/worked out on the basis of lease area among users.
69. Proponent will provide adequate sanitary facility in the form of mobile toilets to the labours engaged for the project work.
70. Solid waste material viz., gutkha pouchs, plastic bags, glasses etc. to be generated during project activity will be separately storage in bins and managed as per Solid Waste Management rules.
71. Natural/customary paths used by villagers should not be obstructed at any time by the activities proposed under the project.
72. Digital processing of the entire lease area in the district using remote sensing technique should be done regularly once in three years for monitoring the change of river course by Directorate of Geology and Mining, Govt. of Uttar Pradesh. The record of such study to be maintained and report be submitted to Integrated Regional Office, MoEF&CC, Gol, Lucknow, SEIAA, U.P. and UPPCB.
73. The project authorities shall advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution Control Board and also at web site of the SEIAA at <http://www.seiaaup.in> and a copy of the same shall be forwarded to the Integrated Regional Office, MoEF&CC, Gol, Lucknow, CPCB, State PCB.
74. The MoEF&CC/SEIAA or any other competent authority may alter/modify the above conditions or stipulate any further condition in the interest of environment protection.
75. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.

76. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 11 of the National Environment Appellate Authority Act, 1997.
77. Waste water from potable use be collected and reused for sprinkling.
78. A width of not less than 50 meter or 10% width of river can be restricted for mining activities from river bank. A condition can be imposed that mining will be done from river activities from river bank.

You shall also ensure that the proposed site is not a part of any no-development zone as required/prescribed/identified under law. In case of violation, this permission shall automatically deem to be cancelled. Also, in the event of any dispute on ownership or land use of the proposed site, this clearance shall automatically deem to be cancelled.

Any appeal against this EC shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.

The above stipulated conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along-with their amendments and rules made there under and also any other orders passed by the Hon'ble Courts of Law relating to the subject matter.

The project proponent will have to submit approved plans and proposals incorporating the conditions specified in the Environmental Clearance within 03 months of issuance of this clearance. The SEIAA/MoEF reserves the right to revoke the environmental clearance, if conditions stipulated are not implemented to the satisfaction of SEIAA/MoEF. SEIAA may impose additional environmental conditions or modify the existing ones, if necessary.

This is to request you to take further necessary action in matter as per provisions of Gazette Notification No. S.O. 1533(E) dated 14/09/2006, as amended and send regular compliance reports to the authority as prescribed in the aforesaid notification.

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

1. Additional Chief 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 – rocz.lko-mef@nic.in)
4. District Magistrate Jhansi.
5. Member Secretary, Uttar Pradesh Pollution Control Board, TC-12V, Paryavaran Bhawan, Vibhuti Khand, Gomti Nagar, Lucknow-226010 (email – ms@uppcb.com)
6. Copy to Web Master for uploading on PARIVESH Portal.
7. Copy for Guard File.

(Ajay Kumar Sharma)
Member Secretary, SEIAA

Signature Not Verified

Digitally signed by Member
Secretary
Member Secretary
Date: 4/28/2023 7:30:47 PM
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Uttar Pradesh Pollution Control Board

Building. No TC-12V Vibhuti Khand, Gomti Nagar, Lucknow-226010

Phone:0522-2720828,2720831, Fax:0522-2720764, Email: info@uppcb.in, Website: www.uppcb.com

193439/UPPCB/Jhansi(UPPCBRO)/CTO/both/JHANSI/2023

Date: 19/10/2023

To,

M/s

Chandra Pal Singh

Gata No. 314, Khand 01 of Area 4.75 Ha, Village Manikpura,
Tehsil Moth, District Jhansi, State Uttar Pradesh.,JHANSI,284003

Application Id-
22886493

Consolidated Consent to Operate and Authorisation hereinafter referred to as the CCA (Consolidated Consent & authorization) (Fresh) under Section-25 of the Water (Prevention & Control of Pollution) Act, 1974 and under Section-21 of the Air (Prevention & Control of Pollution) Act, 1981

CCA is hereby granted to **Chandra Pal Singh** located at **Gata No. 314, Khand 01 of Area 4.75 Ha, Village Manikpura, Tehsil Moth, District Jhansi, State Uttar Pradesh.,JHANSI,284003.** subject to the provisions of the **Water Act, Air Act** and the orders that may be made further and subject to following terms and conditions :-

1. This CCA Chandra Pal Singh granted for the period from 19/10/2023 to 31/12/2027 and valid for manufacturing of following products.

S No	Product	Quantity	Unit
1	Sand/Morrum	23750	Cubic Meters/Year

2. Conditions under Water(Prevention and Control of Pollution) Act -1974 as amended :-

(i) The daily quantity of effluent discharge (KLD) :-

Kind of Effluent	Quantity(KLD)	Treatment facility	Discharge point
Domestic	1.0 kld	Septic Tank	soak pit

(ii) Trade Effluent Treatment and Disposal :-The applicant shall operate Effluent Treatment Plant consisting of primary/secondary and tertiary treatment as is required with reference to influent quantity and quality.

In case of stoppage of functioning of ETP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(iii) The treated effluent shall be recycled to the maximum extent and should be reused within the premises for gardening etc. Quality of the treated effluent shall meet to the following general and specific standards as prescribed under Environment (Protection) Rules, 1986 and applicable to the unit from time-to-time :-

Industrial Effluent Quality Standard

S.No.	Parameter	Standard
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(iv) Sewage Treatment and Disposal :- The applicant shall provide comprehensive STP as is required with reference to influent quantity and quality. In case of stoppage of functioning of STP, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately.

(v) The treated sewage shall be reused in gardening as far as possible. The STP shall be maintained continuously so as to achieve the quality of the treated sewage to the following standards.

S No.	Parameters	Standards
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3. Conditions under Air (Prevention and Control of Pollution) Act -1981 as amended :-

i) The applicant shall use following fuel and install a comprehensive control system consisting of control equipment as required with reference to generation of emissions and operate and maintain the same continuously so as to achieve the level of pollutants to the following standards.

Air Pollution Source Details

S No.	Air Pollution Source	Type of fuel	Stack no	Control Device	Height of Stack
1	Dust emission during manual mining, transportation and loading/unloading of Sand/Morrum.			Particulate Matter	water sprinkling system and Green Belt for controlling dust emission.

Emission Quality Standards

S No.	Stack no	Parameters	Standards
1		Particulate Matter	Ambient Air Standard as per E(P) Act 1986

In case of stoppage of functioning of air pollution control equipment, production has to be stopped immediately and this Board has to be intimated by fax/phone/email with a report in this regard to be dispatched immediately

(ii) The unit will not use any type of restricted fuel.

iii) Noise from the D.G. Set and other source(s) should be controlled by providing an acoustic enclosure as is required for meeting the ambient noise standards for night and day time as prescribed for respective areas/zones (Industrial, Commercial, Residential, Silence) which are as follows :-

Day time : from 6.00 a.m. to 10.00 p.m., Night time: from 10.00 p.m. to 6.00 a.m.

Standards for Noise level in db(A) Leq	Industrial Area		Commercial Area		Residential Area		Silence Zone	
	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time
	75	70	65	55	55	45	50	40

4. Essential documents to be submitted by the Industry/Unit as Applicable :-

(i) Environment Statement in Form-V of Environment (Protection) Rules, 1986.

(ii) Quarterly compliance report of the CCA, photograph of ETP/APCs/Waste Storage Area.

5. Competent Authority reserves the right to change/modify/add any time any condition of this CCA.
6. Unit has to comply with the following specific & general conditions. Non compliance of any provision of this CCA and provisions of the Water Act, Air Act and Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 will result in legal action under the aforesaid Acts and Rules.
7. In compliance to the G.O 1011/81-7-2021-09 (Writ)/2016 dated.13.10.2021 issued by Department of Environment, Forest and Climate Change, Uttar Pradesh. You are directed to develop Miyawaki Forest as per the SOP available at URL:-<http://www.upecp.in/TrainingSession.aspx> for ensuring timely compliance of this direction, you are hereby directed to submit a bank guarantee with minimum validity of one year of the amount equivalent to the sum of initial consent fees (Air and Water) or Rs. 50,000/- (Rs. Fifty Thousand Only) whichever is more, within 30 days from the date of issuance of this certificate. In case of non-compliance of this direction, your consent will be revoked by the Board.
8. If the unit uses the ground water and requires the permission from SGWA/CGWA for water abstraction then the industry will have to obtain No objection certificate for abstraction of ground water. It will be the responsibility of the industry to comply with the various conditions of the NOC obtained from the competent authority and submit to the Board, within 3 months time failing which CTO will be revoked.

General Conditions:-

1. The applicant shall get analysed the samples of effluent/emission/hazardous wastes at least once in a three month from the laboratory recognized by the MoEF and shall report to the UPPCB.
2. The applicant shall however, not without the prior consent of the Board bring into use any new or altered outlet for the discharge of effluent or gases emission or sewage waste from the unit.
3. Treated Industrial waste water and domestic waste water shall be disposed jointly at one disposal point. The applicant shall provide discharge measurement equipment at final disposal point.
4. The applicant shall strictly comply with conditions of this CCA and submit compliance report of stipulated conditions within 30 days of receipt of this CCA. If at any point of time, it is found that the industry is not complying with stipulated conditions or any further direction/instruction issued by the Board, legal action shall be initiated against the applicant.
5. The applicant shall maintain good house keeping. All valves/pipes/sewer/drains etc. must be leak-proof
6. The industry shall provide uninterrupted entry to the STP/ETP inlet and outlet points, Air Pollution Control equipment and stack for smooth sampling/monitoring of efficiency of pollution control systems.
7. The industry shall provide Inspection Book at the time of inspection to the Board's officials.
8. Whenever due to any accident or other unforeseen act or event, such emission occurs or is apprehended to occur in excess of standards laid down, such information shall be reported to the Board's offices and all other concerned offices. In case of failure of pollution control equipment, the production process connected to it shall be stopped with immediate effect.
9. The industry shall operate in a manner so that all emissions be emitted through designated chimney/stack only.
10. In case of any damage to the agriculture productivity, human habitation etc. by the operation of industry, it shall be imperative to stop production in the industry with immediate effect and such information shall be reported to Board's offices. The industry shall be liable to pay compensation also in such cases as decided by the Competent Authority.
11. The applicant shall apply before the 60 days of expiry of CCA or any change in production types/production capacity/manufacturing process/capacity enhancement etc. or any change in effluent discharge point or emission point
12. The Board reserves the right to revoke/add/modify any stipulated condition issued along with CCA, as may be necessary.

Specific Conditions:-

1. This consent is valid for production capacity Sand/Morrum- 23750 Cu meter/Year by opencast and semi mechanized mining in 4.75 Hectare Lease area at Gata No. 314, Khand 01 , Village Manikpura, Tehsil Moth, District Jhansi, State Uttar Pradesh
2. Mining unit shall comply with the conditions of Environmental Clearance issued by State Level Environment Impact Assessment Authority (SEIAA) vide EC Identification No. EC23B001UP176919 dated 28.04.2023, and submit its compliance report to UPPCB.
3. If the lease agreement expires prior to 31-12-2027, then the validity of this CTO shall stand expired simultaneously with the expiry of mining lease/Environmental Clearance.
4. Mining shall be done as per EC issued by SEIAA and directions given by Mining Department/District Administration.
5. The unit shall submit the latest copy of Audited Balance Sheet/C.A. Certificate (Fixed Assets+ Current Assets - Current Liabilities) for verification of the Consent fee payable by the industry within 15 days. In case CTO fee dues then it shall be submitted to the Board immediately.
6. Unit shall develop and maintain green belt as per the conditions of Environmental Clearance.
7. Unit shall not withdrawal ground water for any industrial activity without obtaining necessary permission from UPGWA.
8. The domestic effluent shall be treated through septic tank/soak pit or provide mobile toilet facility. Industry shall maintain ZLD.
9. Unit shall make water sprinkling arrangement through Tankers for dust suppression at different sources of dust emission during mining, transportation, loading and unloading of Sand/Morrum.
10. Unit should operate and maintain installed water sprinkler system effectively and continuously to achieve the standards prescribed under E(P) Rules, 1986.
11. Unit shall submit ambient air monitoring reports of NABL accredited laboratory on quarterly basis to the Board.
12. All trucks, tractors used in transportation of Sand/Morrum shall be covered by canvas sheet to prevent dust emission.
13. Water will be sprayed after loading activity (if Sand/Morrum collected could be dry condition)
14. The dust suppression measures like water spraying will be done on the haul roads and working areas.
15. Industry should comply with the provisions of Hazardous and Other waste (Management & Trans boundary Movement) Rules 2016.
16. Solid waste should be disposed in such manner, so that no water, air and soil pollution takes place.
17. Industry shall abide by directions given by Hon'ble Court, Hon'ble NGT, MoEF & CC, Central Pollution Control Board, UPPCB and District Administration for protection and safe guard of environment from time to time.
18. Consent fees if revised, shall be payable by industry from the date of its applicability.
19. Industry shall comply with the relevant provisions of Environmental Laws.
20. If closure order is issued by CPCB or UPPCB against the unit, then CTO issued earlier will remain suspended during the closure period and after ensuring the compliance and after revocation of closure order, the CTO will automatically be effective with additional conditions mentioned in the closure revocation order.

RAJENDRA SINGH Digitally signed by RAJENDRA SINGH
Date: 2024.01.08 13:55:11 +05'30'

Chief Environmental Officer (circle-2)

Copy to:

Regional Officer, UPPCB, Jhansi with direction to send the compliance report of CTO conditions on quarterly basis

RAJENDRA SINGH Digitally signed by RAJENDRA SINGH
Date: 2024.01.08 13:55:24 +05'30'

Chief Environmental Officer (circle-2)



मिशन LIFE - पर्यावरण के लिए जीवन शैली
(Lifestyle For Environment)
जनसहभागिता का सन्देश



- स्वच्छता - देशसेवा में अपने परिवेश की स्वच्छता हेतु अपना सक्रिय योगदान सुनिश्चित करें
- संकल्प लें - एकल उपयोग प्लास्टिक उत्पाद जैसे कप, तश्तरी, चम्मच, स्ट्रॉ, ईयरबड्स आदि का उपयोग न हो एवं पर्यावरण अनुकूल विकल्पों जैसे कागज/पत्तों से बने दोने या कटलरी को प्राथमिकता दी जाय |
- एकल उपयोग प्लास्टिक उत्पाद के प्रयोग को रोकने एवं प्लास्टिक बैग के बजाय कपड़े के थैले का उपयोग करने मात्र से 375 मिलियन टन ठोस (प्लास्टिक) कचरे का उत्सर्जन बचाया जा सकता है
- चक्रीय अर्थव्यवस्था (सर्कुलर इकोनॉमी) का समुचित कार्यान्वयन वर्ष 2030 तक लगभग 14 लाख करोड़ रुपये की अतिरिक्त बचत उत्पन्न कर सकता है | वेस्ट /अपशिष्ट फेंकने के पूर्व सोचें, ये किसी का संसाधन तो नहीं ...?
- अनुपयोगी इलेक्ट्रिक / इलेक्ट्रॉनिक उत्पाद को कचरे में फेंकने से रुकें | इसके उपयुक्त निस्तारण हेतु इसे प्राधिकृत ई - वेस्ट रीसाइकलर को दें | प्राधिकृत ई-रीसाइकिलिंग इकाई में अनुपयोगी इलेक्ट्रिक / इलेक्ट्रॉनिक उत्पाद को देने मात्र से 0.75 मिलियन टन तक ई-कचरे का पुनर्चक्रण किया जा सकता है एवं ई-कचरे के विषम पर्यावरणीय दुष्प्रभाव से बचा जा सकता है
- बाहर जाते समय - सोचें कि क्या आपको वास्तव में परिवहन की आवश्यकता है - वह भी क्या व्यक्तिगत रूप से ? छोटी दूरी के लिए पैदल चलना पसंद करें, अथवा सम्भव हो तो कार पूल के रूप में संसाधन को साझा करें अथवा सार्वजनिक परिवहन पर विचार करें
- घरेलू स्तर पर कम से कम ठोस अपशिष्ट का उत्सर्जन करें और इनका प्रथाक्रीकरण करें
- उपयोगी शेष खाद्य सामग्री आपके स्वयं प्रयास अथवा निकटस्थ सक्रिय स्वयं सेवी संस्थाओं की सहायता से समाज के वंचित वर्ग तक पहुंचाई जा सकती है | वहीं अनुपयोगी भोजन /खाद्य सामग्री को कंपोस्ट (वर्मी कम्पोस्ट) करने से 15 अरब टन भोजन को नष्ट होने से बचाया जा सकता है
- ध्यान रखें - उपयुक्त नल और शावर के उपयोग से पानी की खपत को 30 - 40% तक कम किया जा सकता है। एवं उपयोग में न होने पर नलों को बंद रखने मात्र से 9 ट्रिलियन लीटर पानी बचाया जा सकता है
- ट्रैफिक लाइट/रेलवे क्रॉसिंग पर कार/स्कूटर के इंजन बंद करने मात्र से 22.5 बिलियन kWh तक ऊर्जा की बचत हो सकती है
- परम्परागत बल्ब के स्थान पर CFL का उपयोग बिजली की खपत में प्रभावी कमी लाते हैं | उपयोग में न होने पर बिजली उपकरणों को बंद करें | स्टार रेटेड विद्युत उपकरणों के उपयोग को प्राथमिकता दें

हमारे द्वारा अपनी जीवन शैली की प्राथमिकताओं का उचित और पर्यावरण अनुकूल पुनर्निर्धारण समाज और पर्यावरण के प्रति हमारा दायित्व है।

कार्यालय जिलाधिकारी, झाँसी ।

(खनिज अनुभाग)

पत्रांक:-512/30एम0एम0सी0/2024-25

दिनांक: 12/08/2024

आदेश

जनपद-झाँसी के तहसील-मोंठ स्थित ग्राम-मनिकपुरा के आराजी संख्या 314 (खण्ड-01) रकवा 4.750 हे० क्षेत्र पर बेतवा नदी तल स्थित बालू/मोरम का नीलामी पट्टा 05 वर्ष (दिनांक:17.05.2023 से दिनांक: 16.05.2028 तक) की अवधि हेतु श्री चन्द्रपाल सिंह पुत्र श्री भोपाल सिंह निवासी-कृष्णा नगरकोलोनी, खेरा गढियागांव तहसील व जनपद-झाँसी के पक्ष में स्वीकृत/निष्पादित है। उक्त स्वीकृत खनन पट्टा के पट्टा विलेख के भाग-02 के अनुसार जिला खनिज फाउण्डेशन न्यास की कुल धनराशि रू० 1151211.00 तथा टी0सी0एस0 की कुल धनराशि रू० 113545.00 की देयता प्रत्येक माह के प्रथम दिवस को देय हो गयी थी। जिसे आप द्वारा समयान्तर्गत जमा नहीं किया गया। उक्त स्वीकृत खनन पट्टा के डी0एम0एफ0 की धनराशि तथा टी0सी0एस0 की धनराशि का विवरण एवं बकाया (मूल/ब्याज) की स्थिति निम्नवत् है:-

पट्टा वर्ष	देय धनराशि व तीर्थ का विवरण						बकाया एवं ब्याज की धनराशि का विवरण					
	मा धनराशि व तीर्थ का विवरण			टी0एस0एस0			डी0एम0एफ0			टी0एस0एस0		
	किश्त	डी0एम0एफ0	टी0एस0एस0	किश्त	डी0एम0एफ0	टी0एस0एस0	किश्त	डी0एम0एफ0	टी0एस0एस0	किश्त	डी0एम0एफ0	टी0एस0एस0
1	2	3	4	5	6	7	8	9	10	11	12	13
प्रथम पट्टा वर्ष (23-24)	788500	78850	15770	788500	78850	-	-	-	-	3861	15770	-
	01.05.2023	01.05.2023	01.05.2023	01.05.2023	27.09.2023	-	-	-	-	-	-	-
	394250	39425	7885	394250	39425	-	-	-	-	1392	7885	-
	01.06.2023	01.06.2023	01.06.2023	31.05.2023	27.09.2023	-	-	-	-	-	-	-
	394250	39425	7885	394250	39425	-	-	-	-	-	7885	-
	01.10.2023	01.10.2023	01.10.2023	29.06.2023	27.09.2023	-	-	-	-	-	-	-
	394250	39425	7885	394250	39425	-	-	-	-	-	7885	-
	01.11.2023	01.11.2023	01.11.2023	30.06.2023	27.09.2023	-	-	-	-	-	-	-
	394250	39425	7885	394250	-	-	-	-	39425	4320	7885	-
	01.12.2023	01.12.2023	01.12.2023	01.12.2023	-	-	-	-	-	-	-	-
	394250	39425	7885	394250	-	-	-	-	39425	3840	7885	-
	01.01.2024	01.01.2024	01.01.2024	27.12.2024	-	-	-	-	-	-	-	-
	394250	39425	7885	394250	-	-	-	-	39425	3360	7885	-
	01.02.2024	01.02.2024	01.02.2024	30.01.2024	-	-	-	-	-	-	-	-
	394250	39425	7885	394250	-	-	-	-	39425	2880	7885	-
	01.03.2024	01.03.2024	01.03.2024	30.01.2024	-	-	-	-	-	-	-	-
	394250	39425	7885	394250	-	-	-	-	39425	2400	7885	-
	01.04.2024	01.04.2024	01.04.2024	30.03.2024	-	-	-	-	-	-	-	-
द्वितीय पट्टा वर्ष (24-25)	867350	867350	17347	867350	-	-	-	-	867350	1920	17347	-
	01.05.2024	17.05.2024	01.05.2024	23.05.2024	-	-	-	-	-	-	-	-
	433675	43368	8674	433675	-	-	-	-	43368	1440	8674	-
	01.06.2024	01.06.2024	01.06.2024	28.06.2024	-	-	-	-	-	-	-	-
	433675	43368	8674	433675	-	-	-	-	43368	960	8674	-
	01.10.2024	01.10.2024	01.10.2024	28.06.2024	-	-	-	-	-	-	-	-
									1151211	26373	113545	-

उपरोक्त तालिका के अनुसार डी0एम0एफ0 के मद में ब्याज सहित रू० 1177584.00 एवं टी0सी0एस0 के मद में रू० 113545.00 की धनराशि बकाया है। इस प्रकार कुल रू० 26,42,156.00 की धनराशि आपके ऊपर बकाया के रूप में देय है।

इसके अतिरिक्त कार्यालय पत्र संख्या-1897/30एम0एम0सी0/2023-24 दिनांक: 10.01.2024 के माध्यम से निरीक्षण आख्या दिनांक: 05.01.2024 में उल्लिखित तथ्यों के कम में नोटिस निर्गत कर उ०प्र० उपखनिज (परिहार) नियमावली, 2021 के नियम-3, 36 एवं 42(ज) का उल्लंघन प्रथम बार पाये जाने पर नियम-58, 60(3) एवं 60(4) के अन्तर्गत रू० 10,50,000.00 की धनराशि अधिरोपित कर वसूली की कार्यवाही की गयी, कार्यालय पत्र संख्या-67/30एम0एम0सी0/2024-25 दिनांक: 25.04.2024 के माध्यम से निरीक्षण आख्या दिनांक: 22.04.2024 में उल्लिखित तथ्यों के कम में नोटिस निर्गत कर उ०प्र० उपखनिज (परिहार) नियमावली, 2021 के नियम-36(1) व 42(ज)(1) का उल्लंघन द्वितीय बार पाये जाने पर नियम-60(3) एवं 60(4) के अन्तर्गत



रु0 5,25,000.00 की धनराशि अधिरोपित कर वसूली की कार्यवाही की गयी, पुनः कतिपय प्राप्त शिकायतों के आधार पर प्रश्नगत खनन पट्टा क्षेत्र का दिनांक: 01.05.2024 को उपजिलाधिकारी,मोंठ की अध्यक्षता में (राजस्व विभाग, पुलिस विभाग एवं खनिज विभाग) आकस्मिक निरीक्षण किया गया, जिसमें 05 सक्शन मशीन (लिफ्टर) के माध्यम से खनन किया जाना पाया गया, जो उ0प्र0 उपखनिज (परिहार) नियमावली,2021 के नियम-42(ज)(1) का उल्लंघन तृतीय बार पट्टाधारक द्वारा किया गया। जिसमें कार्यालय पत्र संख्या-104/30एम0एम0सी0/2024-25 दिनांक: 04.05.2024 के माध्यम से नोटिस निर्गत कर उक्त नियमावली के नियम-60(4) के अन्तर्गत रु0 25,00,000.00 की धनराशि अधिरोपित कर वसूल की गयी एवं कार्यालय में पत्र संख्या-342(I)/30एम0एम0सी0/2024-25 दिनांक: 03.07.2024 के द्वारा प्रश्नगत खनन पट्टे में कतिपय शिकायतों के आधार पर दिनांक: 27.06.2024 को राजस्व विभाग एवं खनन विभाग की संयुक्त दल द्वारा किये गये निरीक्षण में खनन पट्टा क्षेत्र में पी0टी0जेड0 कैमरा लगा हुआ नहीं पाया जाना, स्वीकृत क्षेत्र से बाहर प्रतिबंधित मशीन लिफ्टर के माध्यम से अवैध खनन कर 390.00 घनमीटर भण्डारित किये जाने का कृत्य उपखनिज (परिहार) नियमावली-2021 के नियम-3, 35, 36(1) व 42ज(1) का उल्लंघन पाये जाने पर नियम-58, 60(3) एवं 60(4) के अन्तर्गत रु0 13,77,400.00 की धनराशि अधिरोपित करते हुए उ0प्र0 उपखनिज (परिहार) नियमावली-2021 के नियम-3, 35, 36(1), 36(2), 42ज(1) एवं पर्यावरण शर्तों तथा निष्पादित पट्टाविलेख में उल्लिखित शर्तों का उल्लंघन बार-बार किये जाने के दृष्टिगत उक्त नियमावली,2021 के नियम-60(1) के अन्तर्गत पट्टा निरस्तीकरण क्यों न कर दिया जाय के सम्बन्ध में स्पष्टीकरण स्वयं अथवा अधिवक्ता के माध्यम से प्रस्तुत करने हेतु निर्देशित किया गया, जिसमें पट्टाधारक द्वारा दिनांक: 20.07.2024 को अधिवक्ता के माध्यम से प्रार्थना-पत्र इस कार्यालय में प्रस्तुत किया गया, जिसमें उल्लेख किया गया है कि

“(1) यह कि आप द्वारा प्रेषित नोटिस में कतिपय शिकायतों का हवाला दिया गया है परन्तु प्रार्थी की उन शिकायती प्रार्थना पत्रों को उपलब्ध नहीं कराया गया है। (2) यह कि नोटिस में दिनांक: 27.06.2024 को राजस्व विभाग एवं खनन विभाग की संयुक्त दल द्वारा जाँच किया जाना दर्शाया है परन्तु उक्त जाँच के पूर्व प्रार्थी को कोई सूचना नहीं दी गयी। (3) यह कि निरीक्षण आख्या प्रार्थी को उपलब्ध नहीं करायी गयी है। (4) यह कि नोटिस में अंकित निरीक्षण आख्या के प्रस्तर-2 में खनन पट्टा क्षेत्र में पी.टी.जेड कैमरा लगा हुआ नहीं पाया गया यह अंकित किया गया है। श्रीमान्जी प्रार्थी द्वारा स्वीकृत खनन स्थल क्षेत्र पर पी.टी.जेड. कैमरा लगाया गया था। साक्ष्य में फोटा संलग्न है। (5) यह कि नोटिस के प्रस्तर-3 में अंकित कथन प्रश्नगत खनन पट्टा क्षेत्र में एक प्रतिबंधित मशीन (लिफ्टर) पाया गया के सम्बन्ध में निवेदन करना है कि पूर्व में उक्त लिफ्टर मशीन को कब्जे में लेकर खनन विभाग द्वारा सील कर सुपुर्दगी अन्य व्यक्ति (ग्राम प्रधान) को दी गयी थी। उक्त लिफ्टर का प्रयोग खनन प्रक्रियाओं में नहीं किया गया है। उक्त आरोप बिना किसी साक्ष्य के लगाया गया है। (6) यह कि नोटिस के प्रस्तर-4 में अंकित कथन कि प्रश्नगत पट्टा क्षेत्र के बाहर पट्टाधारक द्वारा खनन कर बालू/मोरम भण्डारित किया जाना पाया गया है, के सम्बन्ध में निवेदन है कि प्रार्थी द्वारा स्वीकृत खनन क्षेत्र के बाहर किसी प्रकार का कोई खनन नहीं किया गया है। उक्त आरोप किस आधार पर लगाया गया है के सम्बन्ध में कोई विवरण नहीं दिया गया है दर्शायी गयी मात्रा नियमानुसार खनन पट्टा स्वीकृत क्षेत्र से खनन किया गया है एवं उक्त खनिज की मात्रा के स्वामित्व का भुगतान किया गया है। (7) यह कि जबाब/स्पष्टीकरण से यह स्पष्ट है कि प्रार्थी के द्वारा उपखनिज परिहार नियमावली-2021 के नियम-3,35,36(1) व 42(ज)(1) का कोई उल्लंघन नहीं किया है। (8) यह कि प्रार्थी के द्वारा सक्शन मशीन या लिफ्टर के माध्यम से खनन स्वीकृत क्षेत्र से बाहर जाकर या स्वीकृत क्षेत्र के अंदर उपरोक्त मशीन से कोई भी खनन नहीं किया गया है इसलिये प्रार्थी पर नियम-60(2) व 60(3) एवं 60(4) के अन्तर्गत कोई धनराशि आरोपित नहीं की जा सकती है। (9) यह कि प्रार्थी के द्वारा स्वीकृत खनन क्षेत्र के बाहर इसलिये प्रार्थी पर उक्त आधार पर 336 घनमीटर बालू/मोरम की रायल्टी, खनिज मूल्य तथा शास्ति आरोपित नहीं की जा सकती है। (10) यह कि कतिपय शिकायतकर्ता जो कि पूर्व में अवैध खनन करते रहे हैं उनका अवैध खनन कार्य बन्द हो जाने के कारण रंजिशवंश शिकायतें करते रहते हैं शासनादेश अनुसार यदि उक्त शिकायतें शपथपत्र से समर्पित नहीं हैं तो उनका संज्ञान नहीं लिया जाना चाहिये। प्रार्थी की शिकायती प्रार्थना पत्र की गई जाँच लिये गये ब्यानों की प्रति प्रदान किया जाना कानूनन आवश्यक है जिससे कि प्रार्थी उनसे जिरह कर सकें। प्रार्थी की जाँच आख्या भी प्रदान नहीं की गयी। समस्त कार्यवाही जाँच एक पक्षीय रूप से सम्पादित की गयी है जो साक्ष्य में ग्राह्य नहीं है। (11) यह कि प्रार्थी द्वारा नोटिस में अंकित सभी आरोपों का जबाब दिया जा चुका है। प्रार्थी पर लगाये गये आरोप मिथ्या है व साक्ष्य से साबित नहीं है इसलिये उ0प्र0 उपखनिज (परिहार) नियमावली-2021 के नियम-61(1) के अन्तर्गत कार्यवाही नहीं की जा सकती है।”

उपरोक्त प्रस्तुत उत्तर दिनांक: 20.07.2024 के सम्बन्ध में यह उल्लेखनीय है कि प्रश्नगत खनन पट्टाधारक को निर्गत नोटिस दिनांक: 03.07.2024 में निरीक्षण आख्या दिनांक: 27.06.2024 पूर्ण रूप से अंकित प्रेषित की गयी। प्रश्नगत खनन पट्टा क्षेत्र में पी0टी0जेड0 कैमरा लगाये जाने सम्बन्धी कोई भी फोटोग्राफ/साक्ष्य संलग्न नहीं किया गया है। पट्टाधारक (श्री चन्द्रपाल सिंह पुत्र श्री भोपाल सिंह) द्वारा प्रश्नगत खनन पट्टा क्षेत्र में कुल चार बार किये गये निरीक्षण दिनांक: 05.01.2024, 22.04.2024, 01.05.2024 व 27.06.2024 के अनुसार निष्पादित पट्टाविलेख की शर्तों एवं उपबन्धों का उल्लंघन तथा उ0प्र0 उपखनिज (परिहार) नियमावली, 2021 के नियम-3, 35, 36(1), 42(ज)(1) का भी उल्लंघन किया गया है, जिसमें पट्टेधारक द्वारा निरीक्षण दिनांक: 05.01.2024, 22.04.2024 एवं 01.05.2024 में पायी गयी अनिमितताओं के कारण उक्त नियमावली, 2021 के अन्तर्गत अधिरोपित शास्ति की धनराशि को जमा किया गया। जिससे स्वतः स्पष्ट है कि पट्टेधारक द्वारा पट्टाविलेख की शर्तों एवं उपबन्धों का उल्लंघन तथा उक्त नियमावली, 2021 के नियम-3, 35, 36(1), 42(ज)(1) का भी उल्लंघन बार-बार किया जा रहा है, जो निरीक्षण आख्या दिनांक: 27.06.2024 फोटोग्राफ(साक्ष्य) सहित प्रस्तुत तथ्यों से भी स्पष्ट है।

इसके अतिरिक्त प्रश्नगत खनन पट्टा क्षेत्र के सम्बन्ध में मा0 राष्ट्रिय हरित अधिकरण न्यायालय में योजित ओ0ए0 संख्या-442/2024 मदन सैन बनाम उ0प्र0 राज्य सरकार व अन्य में पारित आदेश दिनांक: 01.07.2024 जो अधिकारिक वेबसाइट पर दिनांक: 03.07.2024 को अपलोड किया गया, जिसका कार्यकारी अंश बिन्दु संख्या-06 के अनुपालन किये जाने एवं उपजिलाधिकारी मौठ की अध्यक्षता में राजस्व एवं खनन विभाग की निरीक्षण दिनांक: 04.07.2024 में उल्लिखित तथ्यों के दृष्टिगत पट्टेधारक को कार्यालय पत्र संख्या-344/30एम0एम0सी0/2024-25 दिनांक: 06.07.2024 के द्वारा खनन पट्टा क्षेत्र में स्थापित सी0सी0टी0वी0 कैमरा एवं आर0एफ0आई0डी0 स्कैनर द्वारा की गयी समस्त रिकार्डि को उपलब्ध कराये जाने हेतु निर्देशित किया गया है। जिसमें पट्टेधारक द्वारा दिनांक: 20.07.2024 को प्रत्युत्तर मय पेन-ड्राईव कार्यालय में प्रस्तुत किय गया, उक्त पेन-ड्राईव में रिकॉर्डिंग विडियो दिनांक: 01.06.2024 से 30.06.2024 तक कोई लगातार(Continuous) विडियो क्लिप उपलब्ध नहीं है, जबकि पेन-ड्राईव में उपलब्ध विडियो क्लिप कई भागों में विभाजित है। जिसमें दिनांक, टाईम व लोकेशन अंकित नहीं है। जिससे मा0 राष्ट्रिय हरित अधिकरण में योजित आवेदन संख्या-442/2024 में न्यायालय द्वारा दिनांक 01.07.2024 को पारित आदेश का अनुपालन एवं किसी भी निष्कर्ष पर पहुंचना असम्भव न होने के दृष्टिगत पट्टेधारक को पुनः प्रश्नगत खनन पट्टा क्षेत्र की लगातार(Continuous) विडियो क्लिप वांछित विवरण के साथ उपलब्ध कराने हेतु कार्यालय पत्र संख्या:-474/30एम0एम0सी0/2024-25 दिनांक: 02.08.2024 के माध्यम से अन्तिम नोटिस निर्गत किया गया। परन्तु पट्टेधारक द्वारा अब तक कोई विडियो रिकॉर्डि वांछित विवरण के साथ उपलब्ध नहीं कराया गया। उ0प्र0 उपखनिज (परिहार) नियमावली-2021 के नियम-61 में उल्लिखित प्राविधान निम्नवत् है:-

- (1) पट्टेदार द्वारा इन नियमों या पट्टे में दी गई या दी गई समझी जाने वाली शर्तों और प्रसंविदाओं के सिवाय उनके, जो स्वामित्व, भाटक या राज्य सरकार को देय अन्य धनराशियों के भुगतान से संबंधित हो, भंग या उल्लंघन किये जाने की दशा में राज्य सरकार पट्टेदार को अपना मामला बताने की युक्तियुक्त अवसर प्रदान करने के पश्चात् पट्टा समाप्त कर सकती है। यह अधिकार नियम-60 के उपबन्धों के अतिरिक्त होगा और इसका उस पर कोई प्रतिकूल प्रभाव नहीं पड़ेगा।
- (2) यदि उप नियम (1) अथवा नियम-59 के अधीन पट्टा समाप्त कर दिया जाता है तो पट्टेदार का जिलाधिकारी द्वारा दो वर्ष से अनधिक ऐसी अवधि के लिए जैसा कि वह उचित समझे, काली सूची में डाल सकता है, जो विभाग की वेबसाइट पर अपलोड की जायेगी और ऐसी अवधि के दौरान उसको इस नियमावली के अधीन कोई खनिज परिहार अनुमन्य नहीं होगा। इस संबंध में यथास्थिति, खनन पट्टे के रजिस्टर में या नीलामी रजिस्टर के अभ्युक्ति वाले स्तम्भ में एक प्रविष्टि अंकित कर दी जायेगी।

अतः उपरोक्त समस्त तथ्यों के आलोक में पट्टाधारक द्वारा प्रस्तुत प्रत्यावेदन/प्रत्युत्तर दिनांक: 20.07.2024 आधारहीन, साक्ष्यविहीन, तथ्यों के परे हाने एवं सन्तोषजनक उत्तर न प्रस्तुत किये जाने तथा निष्पादित पट्टाविलेख की शर्तों एवं उपबन्धों का उल्लंघन, मा0 राष्ट्रिय हरित अधिकरण के आदेशों के उल्लंघन तथा उ0प्र0 उपखनिज (परिहार) नियमावली, 2021 के नियम-3, 35, 36(1), 42(ज)(1) का भी उल्लंघन किये जाने के दृष्टिगत

प्रस्तुत स्पष्टीकरण को निरस्त करते हुये उ0प्र0 उपखनिज (परिहार) नियमावली, 2021 के नियम-61 में उल्लिखित प्राविधानों के अन्तर्गत निम्नलिखित आदेश पारित किये जाते हैं:-

- 1- जनपद-झाँसी के तहसील-मोंठ स्थित ग्राम-मनिकपुरा के आराजी संख्या 314 (खण्ड-01) रकवा 4.750 हे० क्षेत्र पर बेतवा नदी तल स्थित बालू/मोरम का नीलामी पट्टा 05 वर्ष (दिनांक: 17.05.2023 से दिनांक: 16.05.2028 तक) की अवधि हेतु श्री चन्द्रपाल सिंह पुत्र श्री भोपाल सिंह निवासी-कृष्णा नगरकॉलोनी, खेरा गढियागांव तहसील व जनपद-झाँसी के पक्ष में स्वीकृत बालू/मोरम के उक्त नीलामी पट्टा को एतद् द्वारा निरस्त किया जाता है।
- 2- पट्टाधारक द्वारा जमा प्रतिभूति की धनराशि रू० 9,85,625.00 को नोटिस दिनांक: 03.07.2024 में अधिरोपित धनराशि रू० 13,77,400.00 से समायोजित करने के उपरान्त शेष बकाया धनराशि रू० 3,91,775.00 को खनिज के निर्धारित लेखाशीर्षक "0853 अलौह खनन तथा धातुकर्म उद्योग" में जमा करना सुनिश्चित करें। श्री चन्द्रपाल सिंह पुत्र, श्री भोपाल सिंह द्वारा बकाया वांछित धनराशि निर्धारित समय से जमा नहीं किये जाने पर बकाया धनराशि को भू-राजस्व की भांति वसूल करने की कार्यवाही की जायेगी।
- 3- नियमावली के नियम-61(2) में उल्लिखित प्राविधानों के अधीन पट्टाधारक श्री चन्द्रपाल सिंह पुत्र श्री भोपाल सिंह निवासी-कृष्णा नगरकॉलोनी, खेरा गढियागांव तहसील व जनपद-झाँसी के नाम को दो वर्ष की अवधि हेतु काली सूची में डाला जाता है।
- 4- उपरोक्त तालिका के अनुसार जिला खनिज फाउण्डेशन न्यास (डी०एम०एफ०) के मद में ब्याज सहित रू० 1177584.00 एवं अग्रिम विलम्ब पर देय तिथि से 15 प्रतिशत वार्षिक ब्याज सहित वसूल किये जाने हेतु पृथक से वसूली प्रमाण-पत्र (आर०सी०) निर्गत किया जाय।
- 5- उपरोक्त तालिका के अनुसार आयकर (टी०सी०एस०) की धनराशि रू० 113545.00 पट्टाधारक से वसूल करने के निमित्त अपने स्तर से आवश्यक कार्यवाही करने हेतु आयकर विभाग को संसूचित किया जाय।

जिलाधिकारी,
झाँसी।

01/08/24

पत्रांक व तद् दिनांक:

प्रतिलिपि:- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

- 1- प्रमुख सचिव, भूतत्व एवं खनिकर्म विभाग, उ०प्र० शासन, लखनऊ।
- 2- निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०, खनिज भवन, लखनऊ।
- 3- वरिष्ठ पुलिस अधीक्षक, झाँसी।
- 4- अपर आयुक्त, आयकर विभाग, झाँसी को इस आशय से प्रेषित कि पट्टाधारक से टी.सी.एस. (आयकर) की उक्त धनराशि रू० 113545.00 वसूल करने हेतु अपने स्तर से आवश्यक कार्यवाही करने का कष्ट करें।
- 5- अपर जिलाधिकारी (न्यायिक), झाँसी।
- 6- उपजिलाधिकारी/क्षेत्राधिकारी, मोंठ।
- 7- श्री चन्द्रपाल सिंह पुत्र श्री भोपाल सिंह निवासी-कृष्णा नगरकॉलोनी, खेरा गढियागांव तहसील व जनपद-झाँसी।

जिलाधिकारी,
झाँसी।

01/08/24



1375
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड
UTTAR PRADESH POLLUTION CONTROL BOARD

ANNEXURE-4

संदर्भ सं०

Ref. No.

सेवा में,

मैसर्स चन्द्र पाल सिंह,

गाटा सं०-314, खण्ड-01 (क्षेत्रफल-4.75 हे०)

ग्राम-मानिकपुरा, तहसील-मोठ,

जनपद-झांसी।

विषय- मैसर्स चन्द्रपाल सिंह, गाटा सं०-314, खण्ड-01 (क्षेत्रफल-4.75 हे०), ग्राम-मानिकपुरा, तहसील-मोठ, जनपद-झांसी को बोर्ड द्वारा निर्गत संचालनार्थ सहमति (जल/वायु) को निष्प्रभावी किये जाने के सम्बंध में।

महोदय,

दिनांक

Date. 30-8-24

17-2/NGT-07/24

कृपया माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० संख्या-742/2024 Madan Sen S/o Jagdish Prasad Versus State of Uttar Pradesh में पारित आदेश दिनांक 01.07.2024 के अनुक्रम में क्षेत्रीय अधिकारी, झांसी के पत्र दिनांक 30.08.2024 द्वारा सूचित किया गया है कि कार्यालय जिलाधिकारी, झांसी के आदेश संख्या 512/30 एम०एम०सी०/2024-25 दिनांक 12.08.2024 द्वारा जनपद-झांसी के तहसील-मोठ स्थित ग्राम-मानिकपुरा के आराजी संख्या 314 (खण्ड-01) रकबा 4.750 हे० क्षेत्र पर वेतवा नदी तल स्थित बालू/मोरम के खनन हेतु श्री चन्द्रपाल सिंह पुत्र श्री भोपाल सिंह निवासी-कृष्णा नगर कालोनी, खेरा गढियागांव, तहसील व जनपद झांसी के पक्ष में 05 वर्ष (दिनांक 17.05.2023 से 16.05.2028) की अवधि हेतु स्वीकृत नीलाभी पट्टे को निरस्त किया गया है।

क्षेत्रीय अधिकारी, झांसी के पत्र दिनांक 30.08.2024 द्वारा जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 यथासंशोधित की धारा 25/26 तथा वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 यथासंशोधित की धारा 21/22 के अन्तर्गत राज्य बोर्ड द्वारा निर्गत संचालनार्थ सहमति (सी०टी०ओ०) सर्टिफिकेट Ref No. 193439/UPPCB/Jhansi(UPPCBRO) /CTO/both/JHANSI/2023 dated 19/10/2023 को रिवोक किये जाने की संस्तुति प्रेषित की गयी है।

आपकी खनन इकाई को जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 यथासंशोधित की धारा 25/26 तथा वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 यथासंशोधित की धारा 21/22 के अन्तर्गत राज्य बोर्ड द्वारा सी०टी०ओ० सर्टिफिकेट Ref No. Ref No. 193439/UPPCB/Jhansi(UPPCBRO) /CTO/both/JHANSI/2023 dated 19/10/2023 को दिनांक 31.12.2027 तक की अवधि हेतु निर्गत किया गया था। उक्त सहमति आदेश में अधिरोपित विशिष्ट शर्त संख्या-03 निम्नानुसार है -

"..... 3. If the lease agreement expired prior to 31.12.2027, then the validity of this CTO shall stand expired simultaneously with the expiry of mining lease....."

खनन इकाई को राज्य बोर्ड द्वारा जारी सी०टी०ओ० सर्टिफिकेट दिनांक 19.10.2023 में अधिरोपित शर्त संख्या 3 तथा कार्यालय जिलाधिकारी, झांसी के उपरिसंदर्भित पत्र दिनांक 12.08.2024 के माध्यम से खनन पट्टा निरस्त किये जाने के दृष्टिगत क्षेत्रीय अधिकारी, झांसी के पत्र दिनांक 30.08.2024 द्वारा आपकी खनन इकाई मैसर्स चन्द्रपाल सिंह, गाटा सं०-314, खण्ड-01 (क्षेत्रफल-4.75 हे०), ग्राम-मानिकपुरा, तहसील-मोठ, जनपद-झांसी को बालू/मोरम खनन हेतु राज्य बोर्ड से निर्गत सी०टी०ओ० सर्टिफिकेट दिनांक 19.10.2023 को रिवोक किये जाने की संस्तुति की गयी है।

अतः उपरोक्त परिप्रेक्ष्य में क्षेत्रीय अधिकारी, झांसी के पत्र दिनांक 30.08.2024 द्वारा प्रेषित आख्या एवं संस्तुति के दृष्टिगत जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 तथा वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 के अन्तर्गत आपकी खनन इकाई चन्द्रपाल सिंह, गाटा सं०-314, खण्ड-01 (क्षेत्रफल-4.75 हे०), ग्राम-मानिकपुरा, तहसील-मोठ, जनपद-झांसी को खनन कार्य हेतु राज्य बोर्ड से निर्गत सी०टी०ओ० सर्टिफिकेट दिनांक 19.10.2023 को अग्रिम आदेशों तक निष्प्रभावी किया जाता है तथा उक्त स्थल पर लीज आवंटन के सम्बंध में भविष्य में कोई आदेश जारी होने पर तदानुसार कार्यवाही की जायेगी। आपको निर्देशित किया जाता है कि उक्त स्थल पर बिना पूर्व अनुमति के खनन कार्य न किया जाये।

भवदीय,

मुख्य पर्यावरण अधिकारी (वृत्त-2)

प्रतिलिपि-

1. जिलाधिकारी, झांसी को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
2. जिला खान अधिकारी, झांसी को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।
3. क्षेत्रीय अधिकारी उ०प्र० प्रदूषण नियंत्रण बोर्ड, झांसी को इस निर्देश के साथ कि उपरोक्त निर्देशों का अनुपालन सुनिश्चित कराये तथा अनुपालन आख्या बोर्ड मुख्यालय प्रेषित करें।

मुख्य पर्यावरण अधिकारी (वृत्त-2)

टी.सी. - 12 वी, विभूति खण्ड, गोगती नगर,
लखनऊ - 226 010

दूरभाष : 0522-2720828, 2720831

फैक्स : 0522-2720764, 2720676

ई-मेल : info@uppcb.in

वेबसाइट : www.uppcb.com

T.C.-12 V, Vibhuti Khand, Gomti Nagar,
Lucknow - 226 010

Phone : 0522-2720828, 2720831

Fax : 0522-2720764, 2720676

E-mail : info@uppcb.in

Website : www.uppcb.com



क्षेत्रीय कार्यालय उ. प्र. प्रदूषण नियंत्रण बोर्ड
Regional Office, U.P. Pollution Control Board

संदर्भ सं० 364/OA-742/24
Ref. No.

दिनांक 13.09.2024
Date.....20

सेवा में,
जिला खान अधिकारी
जनपद-झांसी।

विषय : माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा विचाराधीन O.A. No.-742/2024
Madan Sen S/o Late Jagdish Prasad, Versus State of Uttar Pradesh में पारित
आदेश दिनांक 01.07.2024 के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक का संदर्भ ग्रहण करने का कष्ट करें। उक्त के अनुक्रम में मैसर्स चन्द्रपाल सिंह द्वारा गाटा नं०-314, खण्ड-01 (क्षेत्रफल-4.75 है०) गाँव-मानिकपुरा, तहसील-मोठ, जनपद-झांसी में अवैध खनन से सम्बन्धित सूचना वांछित है अतः मैसर्स चन्द्रपाल सिंह द्वारा किये गये अवैध खनन की मात्रा, अवैध खनन का बाजार मूल्य एवं लगाये गये जुर्माने का दिनांक वार विवरण देने का कष्ट करें। जिससे उक्त के सम्बन्ध में माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली को अवगत कराया जा सकें।

भवदीय

[Signature]
13-9-24

(दीपा अरोरा)

क्षेत्रीय अधिकारी

[Handwritten mark]

क्षेत्रीय कार्यालय उ. प्र. प्रदूषण नियंत्रण बोर्ड
Regional Office, U.P. Pollution Control Board

दिनांक 17.09.2024
Date.....20

संदर्भ सं० 01 / केम्प कार्यालय / OA-742/24
Ref. No.

सेवा में,

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

विषय : मैसर्स चन्द्रपाल सिंह, गाटा नं०-314, खण्ड-01 (क्षेत्रफल-4.75 है०)
गाँव-मानिकपुरा, तहसील-मोठ, जनपद-झांसी के विरुद्ध पर्यावरण क्षतिपूर्ति
अधिरोपित किये जाने से पूर्व कारण बताओ नोटिस निर्गत किये जाने के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक के सम्बन्ध में अवगत कराना है कि कार्यालय जिलाधिकारी, झांसी के आदेश संख्या 512/30 एम०एम०सी०/2024-25 दिनांक 12.08.2024 द्वारा जनपद-झांसी के तहसील-मोठ स्थित ग्राम-मानिकपुरा के आराजी संख्या 314 (खण्ड-01) रकबा 4.750 हे० क्षेत्र पर बेतवा नदी तल स्थित बालू/मोरम के खनन हेतु श्री चन्द्रपाल सिंह पुत्र श्री भोपाल सिंह निवासी-कृष्णा नगर कालोनी, खेरा गढियागांव, तहसील व जनपद झांसी के पक्ष में 05 वर्ष (दिनांक 17.05.2023 से 16.05.2028) की अवधि हेतु स्वीकृत नीलामी पट्टे को निरस्त किया गया है।

खनन इकाई को जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 यथासंशोधित की धारा 25/26 तथा वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 यथासंशोधित की धारा 21/22 के अन्तर्गत राज्य बोर्ड द्वारा सी०टी०ओ० सर्टिफिकेट Ref No. 193439/UPPCB/Jhansi(UPPCBRO) /CTO/both/JHANSI/2023 dated 19/10/2023 को दिनांक 31.12.2027 तक की अवधि हेतु निर्गत किया गया था।

कार्यालय जिलाधिकारी, झांसी के उपरिसंदर्भित पत्र दिनांक 12.08.2024 के माध्यम से खनन पट्टा निरस्त किये जाने के दृष्टिगत मैसर्स चन्द्रपाल सिंह, गाटा सं०-314, खण्ड-01 (क्षेत्रफल-4.75 है०), ग्राम-मानिकपुरा, तहसील-मोठ, जनपद-झांसी को खनन कार्य हेतु जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 तथा वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 के अन्तर्गत निर्गत सी०टी०ओ० सर्टिफिकेट दिनांक 19.10.2023 को अग्रिम आदेशों तक निष्प्रभावी किया गया है।

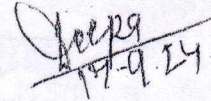
क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, झांसी के पत्र दिनांक 13.09.2024 द्वारा जिला खान अधिकारी, झांसी द्वारा किये गये अवैध खनन की मात्रा, उसका बाजार मूल्य एवं लगाये गये जुर्माने का दिनांकवार विवरण उपलब्ध कराये जाने की अपेक्षा की गयी थी। तत्कम में जिला खान अधिकारी, झांसी के पत्र दिनांक 17.09.2024 द्वारा सूचित

किया गया है कि चन्द्रपाल सिंह, गाटा सं०-314, खण्ड-01 (क्षेत्रफल-4.75 हे०), ग्राम-मानिकपुरा, तहसील-मोठ, जनपद-झांसी के निरीक्षण दिनांक 27.06.2024 के दौरान खनन पट्टा क्षेत्र के बाहर 336 घन मीटर बालू/मोरम भण्डारित किया जाना पाया गया है, जिसका खनिज मूल्य रुपये 2,52,000/- है।

मा० एनजीटी, नई दिल्ली के आदेशों के अनुपालन में अवैध खनन हेतु केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा निर्मित गाइडलाइन में पर्यावरणीय क्षतिपूर्ति की गणना हेतु निर्धारित सूत्र $Compensation = D \times (1 + RF + DF)$ के अनुसार आंकलित पर्यावरणीय क्षतिपूर्ति रुपये 4,53,600/- आती है, जिसमें D (Market Value of Illegally Mined Material)=2,52,000/-, RF (Risk Factor)=0.5, DF (Deterrence Factor)=0.3 लिया गया है।

उपरोक्त वर्णित तथ्यों के दृष्टिगत अवैध खनन हेतु आंकलित पर्यावरणीय क्षतिपूर्ति यथा रू० 4,53,600/- (रू० चार लाख तिरपन हजार छः सौ मात्र) है। अतः खनन पट्टा धारक विरुद्ध पर्यावरण क्षतिपूर्ति अधिरोपित किये जाने से पूर्व कारण बताओ नोटिस निर्गत किये जाने हेतु अग्रिम आवश्यक कार्यवाही हेतु सादर प्रेषित।

भवदीय



(दीपा अरोरा)
क्षेत्रीय अधिकारी



339

1186/2

279

उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड

UTTAR PRADESH POLLUTION CONTROL BOARD

संदर्भ सं०
Ref. No.

H/17477

NGT-662/24

दिनांक

Date

19-9-24

मैसर्स चन्द्र पाल सिंह,
गाटा सं०-314, खण्ड-01 (क्षेत्रफल-4.75 हे०)
ग्राम-मानिकपुरा, तहसील-मोठ,
जनपद-झांसी।

नवीन अधिकारी
उप-उपस्थानिक निरीक्षक
नाम
कृपया अनुपालन सुनिश्चित करें।

यह कि क्षेत्रीय अधिकारी, झांसी के पत्र दिनांक 30.08.2024 द्वारा सूचित किया गया कि कार्यालय जिलाधिकारी, झांसी के आदेश संख्या 512/30 एम0एम0सी0/2024-25 दिनांक 12.08.2024 द्वारा जनपद-झांसी के तहसील-मोठ स्थित ग्राम-मानिकपुरा के आराजी संख्या 314 (खण्ड-01) रकबा 4.750 हे० क्षेत्र पर बतवा नदी तल स्थित बालू/मोरम के खनन हेतु श्री चन्द्रपाल सिंह पुत्र श्री भोपाल सिंह निवासी-कृष्णा नगर कालानी, खेरा गढियागांव, तहसील व जनपद झांसी के पक्ष में 05 वर्ष (दिनांक 17.05.2023 से 16.05.2028) की अवधि हेतु स्वीकृत नीलानी पट्टे को निरस्त किया गया है।

यह कि आपकी खनन इकाई को जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 यथासंशोधित की धारा 25/26 तथा वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 यथासंशोधित की धारा 21/22 के अन्तर्गत राज्य बोर्ड द्वारा सी0टी0ओ0 सर्टिफिकेट Ref No. 193439/UPPCB/Jhansi(UPPCBRO) /CTO/both/JHANSI/2023 dated 19/10/2023 को दिनांक 31.12.2027 तक की अवधि हेतु निर्गत किया गया था।

यह कि खनन इकाई को राज्य बोर्ड द्वारा जारी सी0टी0ओ0 सर्टिफिकेट दिनांक 19.10.2023 में अधिरोपित शर्त संख्या 3 तथा कार्यालय जिलाधिकारी, झांसी के उपरिसंदर्भित पत्र दिनांक 12.08.2024 के माध्यम से खनन पट्टा निरस्त किये जाने के दृष्टिगत क्षेत्रीय अधिकारी, झांसी के पत्र दिनांक 30.08.2024 द्वारा आपकी खनन इकाई मैसर्स चन्द्रपाल सिंह, गाटा सं०-314, खण्ड-01 (क्षेत्रफल-4.75 हे०), ग्राम-मानिकपुरा, तहसील-मोठ, जनपद-झांसी को बालू/मोरम खनन हेतु राज्य बोर्ड से निर्गत सी0टी0ओ0 सर्टिफिकेट दिनांक 19.10.2023 को रिवोक किये जाने की संस्तुति की गयी है।

यह कि क्षेत्रीय अधिकारी, झांसी के पत्र दिनांक 30.08.2024 द्वारा प्रेषित आख्या एवं संस्तुति के दृष्टिगत राज्य बोर्ड के पत्र दिनांक 30.08.2024 द्वारा आपकी खनन इकाई मैसर्स चन्द्रपाल सिंह, गाटा सं०-314, खण्ड-01 (क्षेत्रफल-4.75 हे०), ग्राम-मानिकपुरा, तहसील-मोठ, जनपद-झांसी को खनन कार्य हेतु जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 तथा वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1981 के अन्तर्गत निर्गत सी0टी0ओ0 सर्टिफिकेट दिनांक 19.10.2023 को अग्रिम आदेशों तक निष्प्रभावी किया गया है।

यह कि माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 संख्या-742/2024 Madan Sen S/o Jagdish Prasad Versus State of Uttar Pradesh में पारित आदेश दिनांक 01.07.2024 के सुसंगत अंश निम्नवत है:-

"..... 2. Further plea of the applicant is that Respondent No. 5 is violating the EC conditions as also the provision of Sustainable Sand Mining Management Guidelines, 2016. In support of the plea learned counsel for the applicant during course of the arguments has referred to the photographs filed from page 67 to page 73. He has also referred to the notice dated 10.01.2024 annexure A-6 sent by the District Magistrate, Jhansi mentioning above the violation of the Rules and also using the prohibited machinery and carrying out the illegal sand mining in the main stream of the river and proposing to impose the penalty for the same. He has also submitted that though the complaint in respect of the main stream mining, was made on 03.06.2024 Annexure A-8 but no action has been taken by the concerned Authorities till now....."

यह कि उपरोक्त वर्णित आदेश के अनुपालन में क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, झांसी के पत्र दिनांक 13.09.2024 द्वारा जिला खान अधिकारी, झांसी द्वारा किये गये अवैध खनन की मात्रा, उसका बाजार मूल्य एवं लगाये गये जुर्माने का दिनांकवार विवरण उपलब्ध कराये जाने की अपेक्षा की गयी। तत्कम में जिला खान अधिकारी, झांसी के पत्र दिनांक 17.09.2024 द्वारा सूचित किया गया है कि चन्द्रपाल सिंह, गाटा सं०-314, खण्ड-01 (क्षेत्रफल-4.75 हे०), ग्राम-मानिकपुरा, तहसील-मोठ, जनपद-झांसी के निरीक्षण दिनांक 27.06.2024 के दौरान खनन पट्टा क्षेत्र के बाहर 336 घन मीटर बालू/मोरम भण्डारित किया जाना पाया गया है, जिसका आगेज मूल्य रूपये 2,52,000/- है।

Page 2 of 2 in direction for CRP (2)

टी.सी. - 12 वी, विभूति खण्ड, गोमती नगर,
लखनऊ - 226 010
दूरभाष : 0522-2720828, 2720831
फैक्स : 0522-2720764, 2720676
ई-मेल : info@uppcb.in
वेबसाइट : www.uppcb.up.gov.in

T.C.-12 V, Vibhuti Khand, Gomti Nagar,
Lucknow - 226 010
Phone : 0522-2720828, 2720831
Fax : 0522-2720764, 2720676
E-mail : info@uppcb.in
Website : www.uppcb.up.gov.in

(2)

यह कि मा0 एनजीटी, नई दिल्ली के आदेशों के अनुपालन में अवैध खनन हेतु केन्द्रीय प्रदूषण नियंत्रण बोर्ड द्वारा निर्मित गाइडलाइन में पर्यावरणीय क्षतिपूर्ति की गणना हेतु निर्धारित सूत्र $Compensation = D \times (1 + RF + DF)$ के अनुसार आंकलित पर्यावरणीय क्षतिपूर्ति रूपये 4,53,600/- आती है, जिसमें D (Market Value of Illegally Mined Material)=2,52,000/-, RF (Risk Factor)=0.5, DF (Deterrence Factor)=0.3 लिया गया है।

यह कि उपरोक्त वर्णित तथ्यों के दृष्टिगत अवैध खनन हेतु आंकलित पर्यावरणीय क्षतिपूर्ति यथा रू0 4,53,600/- (रू0 चार लाख तिरपन हजार छः सौ मात्र) है।

अतः उपरोक्त वर्णित तथ्यों एवं क्षेत्रीय अधिकारी की संस्तुति के दृष्टिगत सक्षम अधिकारी के अनुमोदनोपरान्त इकाई के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु निम्नानुसार कारण बताओ नोटिस जारी किया जाता है :-

1. यह कि क्यों न आपकी इकाई के विरुद्ध राज्य बोर्ड से सहमति जल एवं वायु प्राप्त किये बिना ही खनन कार्य एवं अवैध खनन किये के फलस्वरूप रू0 4,53,600/- (रू0 चार लाख तिरपन हजार छः सौ मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जाये।

उपरोक्त के संबंध में अपना स्पष्टीकरण इस पत्र प्राप्ति के 15 दिन के अन्दर बोर्ड मुख्यालय में प्रेषित करें, अन्यथा की स्थिति में उपरोक्तानुसार इकाई के विरुद्ध रू0 4,53,600/- (रू0 चार लाख तिरपन हजार छः सौ मात्र) की पर्यावरणीय क्षतिपूर्ति अधिरोपित कर दी जायेगी, जिसका सम्पूर्ण उत्तरदायित्व स्वयं इकाई एवं इकाई स्वामी का होगा।

सक्षम अधिकारी द्वारा अनुमोदनोपरान्त पत्र निर्गमन हेतु अधिकृत

मुख्य पर्यावरण अधिकारी,
(वृत्त-2)

प्रतिलिपि:-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित-

1. जिलाधिकारी, झांसी।
2. क्षेत्रीय अधिकारी, उ0प्र0 प्रदूषण नियंत्रण बोर्ड, झांसी को इस निर्देश के साथ प्रेषित कि अपने स्तर से भी कारण बताओ नोटिस की प्रति इकाई स्वामी को प्राप्त कराते हुए, पावती एवं जारी कारण बताओ नोटिस के संबंध में उद्योग का अद्यतन निरीक्षण कर आख्या 15 दिन के अन्दर बोर्ड मुख्यालय प्रेषित करना सुनिश्चित करें।

मुख्य पर्यावरण अधिकारी,
(वृत्त-2)

Item No. 17

Court No. 1

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

Original Application No. 742/2024

Madan Sen S/o Late Jagdish Prasad

Applicant

Versus

State of Uttar Pradesh

Respondent

Date of hearing: 23.09.2024

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

Applicant: Mr. Raman Yadav & Mr. Harshith Pottangi, Advs.

Respondents: Mr. Mukesh Verma & Ms. Vatsala Tripathi, Advs. for DM, Jhansi
(Through VC)
Ms. Sthavi Asthana, Adv. for UPPCB
Mr. Vanshdeep Dalmia, Ms. Anisha Jain & Ms. Shambhavi Singh, Advs.
for R - 5
Mr. Kartikeya Rastogi & Mr. Shiv Kapoor, Advs. for R - 7 & 8**ORDER**

1. In this original application, the allegation is about illegal mining by Respondent No. 4 in Shastri Nagar, Babina (Rural) Jhansi, Uttar Pradesh. The Applicant has alleged that Respondent No. 4 has done illegal sand mining up to the depth of 80-100 feet within the river using restricted lift machines affecting the river ecology and increasing the risk of flood. It is further alleged that Respondent No. 4 has exceeded the permitted annual mining capacity of 23,750 m³ with an estimated 6,00,000 – 7,00,000 m³ of materials illegally extracted and has created an unauthorised storage area in the vicinity. There is an allegation of violation of the Sustainable Sand Mining Management Guidelines (SSMG-2016).

2. The Tribunal on 01.07.2024 had noted the argument of Counsel for the Applicant in respect of the above violation and violation of the

Environmental Clearance conditions and Guidelines of 2016 and accordingly had issued notices to the Respondents. The Tribunal on 01.07.2024 had also issued the following direction:

“6. The District Magistrate, Jhansi, Respondent No. 2 is directed to immediately seize the CCTV footage maintained by the project proponents and file copy thereof along with their response before the Tribunal.”

3. The Respondent No. 2, District Magistrate, Jhansi has filed the reply disclosing that the concerned leaseholder was given the notice dated 06.07.2024 directing him to provide all the recordings of the CCTV cameras and RFID scanners installed in the mining lease area and that the leaseholder has supplied the pen drive by taking the stand that it had installed PTZ camera in the area related to the approved mining lease but since the mining operations were completely prohibited in the monsoon season from 01.07.2024 to 30.09.2024, therefore, he had stopped the work at the site from 26.06.2024 and PTZ camera and other equipment were removed on 30.06.2024. Reply of the District Magistrate also discloses that the video clip made available in the pen drive was divided into several parts that too without any date, time and location and no continuous video recording clip was available, therefore, it was not possible to reach to any conclusion on that basis. Reply of the District Magistrate also reveals that due to repeated violations of the Mining Rules, notice was issued to the leaseholder, Respondent No. 5 and the lease deed was cancelled and Respondent No. 5 was blacklisted for a period of two years vide order dated 12.08.2024.

4. So far as the issue of the storage license is concerned, the reply of Respondent No. 2 states that the storage license was approved in favour of Respondent No. 7 for two years and that the application for renewal of storage license of Respondent No. 7 has been rejected.

5. Respondent No. 4, UPPCB in its reply dated 20.09.2024 has disclosed that the UPPCB on receipt of the details of illegal mining from the Mining Department, Jhansi had issued the show cause notice dated 19.09.2024 to Respondent No. 5 for imposition of environmental compensation. Further stand of Respondent No. 4 is that the status of compliance of various conditions of EC granted by SEIAA, UP is monitored by the RO, MoEF&CC.

6. The other respondents had not filed their reply.

7. Having heard the Counsel for the parties at length, we find that the EC dated 28.04.2023 was granted to Respondent No. 5 by SEIAA, UP for sand/Morrum mining at the Betwa river bed. The mineable area was 3.529 hectares and the total mineable reserve was indicated as 23750 m³. The Consolidated Consent to Operate and Authorization dated 19.10.2023 was issued. In response to the letter of the UPPCB seeking details of the illegal mining and imposition of penalty, District Magistrate, Jhansi had given the reply dated 17.09.2024 disclosing the following:

क्रम संख्या	निरीक्षण का दिनांक	अवैध खनन की मात्रा	अधिरोधित की गई जुर्माना की धनराशि	
			उत्तर प्रदेश (उपखनिज) नियमावली, 2021 के नियम अनुसार किया गया	अधिरोधित की गई राशि
1	05.01.2024	जलधारा में खनन का साक्ष्य पाया गया व अन्य अनियमितताये पाई गई	नियम-58	5,00,000.00
			नियम-60(4)	5,00,000.00
			नियम-60(3)	50,000.00
2	22.04.2024	जलधारा में खनन का साक्ष्य पाया गया व अन्य अनियमितताये पाई गई	नियम-60(3)	25,000.00
			नियम-60(4)	5,00,000.00
3	01.05.2024	जलधारा में खनन का साक्ष्य	नियम-60(4)	25,00,000.00

		पाया गया व अन्य अनियमितताये पाई गई		
	27.06.2024	खनन पट्टा क्षेत्र के बाहर 336 घनमीटर बालू / मोरम भण्डारित किया जाना पाया गया व अन्य अनियमितताये पाई गई	नियम-60(4)	5,00,000.00
			नियम-58	5,00,000.00
			नियम-60(2)	50,000.00
			नियम-60(3)	25,000.00
			खानिज मूल्य	2,52,000.00
			रॉयल्टी	50,400.00

8. The aforesaid chart indicates that Respondent No. 5 had carried out instream mining and had also committed illegality in respect of 336 cubic meters of sand. Respondent No. 5 had failed to supply the proper video recording of the concerned period, therefore, the District Magistrate, Jhansi vide order dated 12.08.2024 has cancelled the lease deed of the mining area. The reply further reflects that Respondent No. 5 has also been blacklisted for two years and the penalty has been imposed vide orders dated 10.01.2024, 25.04.2024 and 04.05.2024. In view of this, UPPCB has kept in abeyance the CTO issued to the project proponent till the further orders.

9. Counsel for Respondent No. 5 has submitted that this penalty amount has already been deposited but so far as the penalty amounting to Rs. 13,77,400/- for the illegal extraction of 336 cubic meters of sand is concerned, it has been challenged in the appeal which is pending.

10. The notice dated 19.09.2024 issued by the UPPCB also reveals that for storage of 336 cubic meters of sand outside the lease area, UPPCB has issued the show cause notice for the imposition of environmental compensation of Rs. 4,53,600/- for environmental damage on account of illegal mining.

11. Having regard to the above analysis, we are of the view that appropriate action has already been initiated/taken by the District

Magistrate, Jhansi and the UPPCB. Hence, we require the UPPCB to complete the pending proceedings of imposition of environmental compensation expeditiously and pass the final order.

12. The show cause notice dated 19.09.2024 issued by the UPPCB is only for 336 cubic meters of sand found to be stored outside the lease area, whereas the reply of the District Magistrate dated 17.09.2024 reflects that at least on three inspections on 05.01.2024, 22.04.2024 and 01.05.2024, the Respondent No. 5 was found carrying out instream sand mining which is not permissible. Hence, the UPPCB is also directed to take action for causing environmental damage on account of instream mining.

13. It is also noticed that SEIAA, UP has not initiated any action against Respondent No. 5 for violation of the EC conditions. Hence, the SEIAA, UP will also examine the issue of violation of EC conditions by Respondent No. 5 and take appropriate expeditious action in accordance with the law.

14. Let the above exercise be completed within three months by the concerned authorities.

15. The OA is accordingly disposed of.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

September 23, 2024
Original Application No. 742/2024..
dv..

कार्यालय जिलाधिकारी, झाँसी।

(खनिज अनुभाग)

Annexure-9

पत्रांक- 616/30एम0एम0सी0/2024-25
सेवामें,

दिनांक: 17/09/2024

क्षेत्रीय अधिकारी,
उ0प्र0 प्रदूषणनियंत्रण बोर्ड, झाँसी।विषय:- माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा विचाराधिन O.A. No.-742/2024
Madan Sen S/o Late Jagdish Prasad. Versus State of Uttar Pradesh में पारित आदेश
दिनांक: 01.07.2024 के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक अपने पत्र संख्या-364/04-742/24 दिनांक: 13.09.2024 का सन्दर्भ ग्रहण करने का कष्ट करें जिसके माध्यम से जनपद-झाँसी के तहसील-मोंट स्थित ग्राम-मनिकपुरा के आराजी संख्या-314 (खण्ड-1) रकवा-4.75 हे0 में पट्टाधारक श्री चन्द्रपाल सिंह द्वारा किये गये अवैध खनन की मात्रा, अवैध खनन का बाजार मूल्य एवं लगाये गये जुर्माना का दिनांक वार विवरण चाही गयी है।

उक्त के सम्बन्ध में कार्यालय में उपलब्ध अभिलेखों के अनुसार प्रश्नगत क्षेत्र में किये गये कृत कार्यवाही का विवरण निम्नवत् है:-

क्र0 सं0	निरीक्षण का दिनांक	अवैध खनन की मात्रा	अधिरोपित की गयीजुर्माना की धनराशि	
			उत्तर प्रदेश (उपखनिज) नियमावली, 2021 के जिस नियम के अनुसार जुर्माना किया गया	अधिरोपित की गई धनराशि
1	05.01.2024	जलधारा में खनन का साक्ष्य पाया गया व अन्य अनियमित्तार्ये पाई गयी।	नियम- 58	5,00,000.00
			नियम- 60 (4)	5,00,000.00
2	22.04.2024	जलधारा में खनन का साक्ष्य पाया गया व अन्य अनियमित्तार्ये पाई गयी।	नियम- 60(3)	50,000.00
			नियम- 60(3)	25,000.00
			नियम-60(4)	5,00,000.00
3	01.05.2024	जलधारा में खनन का साक्ष्य पाया गया व अन्य अनियमित्तार्ये पाई गयी।	नियम- 60(4)	25,00,000.00
	27.06.2024	खनन पट्टा क्षेत्र के वाहर 336 घनमीटर बालू/मोरम भण्डारित किया जाना पाया गया व अन्य अनियमित्तार्ये पाई गयी।	नियम- 60(4)	5,00,000.00
			नियम-58	5,00,000.00
			नियम-60(2)	50,000.00
			नियम- 60(3)	25,000.00
			खनिज मूल्य	2,52,000.00
			रायल्टी	50,400.00

उपरोक्त के अतिरिक्त यह भी अवगत कराना है कि कार्यालय पत्र संख्या-512/30एम0एम0सी0/2024-25 के माध्यम से प्रश्नगत पट्टा को जिलाधिकारी महोदय द्वारा दिनांक: 12.08.2024 को निरस्त किया जा चुका है।

भवदीय

(Signature)
17/09/2024
खान निरीक्षक,
झाँसी।

(Handwritten)
18/9/24



क्षेत्रीय कार्यालय उ. प्र. प्रदूषण नियंत्रण बोर्ड
Regional Office, U.P. Pollution Control Board

संदर्भ सं० 154/HGT/OA No-742/25

Ref. No.

दिनांक 12.06.2025

Date.....20

सेवा में,

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

विषय : मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा निस्तारित ओ०ए० संख्या-742/2024 मदन सेन पुत्र स्व० श्री जगदीश प्रसाद बनाम् स्टेट ऑफ यू०पी० एवं अन्य में पारित आदेश दिनांक-23.09.2024 के अनुपालन में।

महोदय,

कृपया उपरोक्त विषयक संदर्भ ग्रहण करने का कष्ट करें। अवगत कराना है कि मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा निस्तारित ओ०ए० संख्या-742/2024 मदन सेन पुत्र स्व० श्री जगदीश प्रसाद बनाम् स्टेट ऑफ यू०पी० एवं अन्य में पारित आदेश दिनांक-01.07.2024 के अनुपालन में मैसर्स चन्द्रपाल सिंह, गाटा संख्या-314, खण्ड-1 (क्षेत्रफल-4.75 हे०) ग्राम-मानिकपुरा, तहसील-मोंट, जनपद-झांसी का खनन विभाग के निरीक्षण दिनांक-27.06.2024 के दौरान खनन पट्टा क्षेत्र के बाहर अवैध रूप से 336 घनमीटर बालू/मौरम भण्डारित पाये जाने के कारण राज्य बोर्ड के पत्रांक-एच17477/सी-2/एनजीटी-662/24 दिनांक-19.09.2024 द्वारा रू० 4,53,600/- (चार लाख तिरपन हजार छः सौ रूपये मात्र) पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओ नोटिस जारी किया गया है। उक्त वाद में मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा पारित आदेश दिनांक-23.09.2024 के सुसंगत अंश निम्नवत् है:-

".....11. Having regard to the above analysis, we are of the view that appropriate action has already been initiated/taken by the District 5 Magistrate, Jhansi and the UPPCB. Hence, we require the UPPCB to complete the pending proceedings of imposition of environmental compensation expeditiously and pass the final order.

12. The show cause notice dated 19.09.2024 issued by the UPPCB is only for 336 cubic meters of sand found to be stored outside the lease area, whereas the reply of the District Magistrate dated 17.09.2024 reflects that at least on three inspections on 05.01.2024, 22.04.2024 and 01.05.2024, the Respondent No. 5 was found carrying out in stream sand mining which is not permissible. Hence, the UPPCB is also directed to take action for causing environmental damage on account of in stream mining....."

मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा पारित आदेश के बिन्दु संख्या-11 के अनुपालन में राज्य बोर्ड द्वारा जारी कारण बताओ नोटिस दिनांक-19.09.2024 को उद्योग प्रतिनिधि श्री सत्येन्द्र (मोबाइल संख्या-9956485817) को मैनुअली प्राप्त कराया गया। कार्यालय अभिलेखानुसार उद्योग द्वारा जारी कारण बताओ नोटिस दिनांक-19.09.2024 का प्रति उत्तर प्रस्तुत नहीं किया गया है।

अग्रेतर मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा पारित आदेश के बिन्दु संख्या-12 के अनुपालन में अवगत कराना है कि कार्यालय जिलाधिकारी, झांसी के पत्रांक-616/30एम०एम०सी०/2024-25, दिनांक-17.09.2024 द्वारा सूचित किया गया है कि खनन विभाग के निरीक्षण दिनांक-05.01.2024, दिनांक-22.04.2024 एवं दि०-01.05.2024 में प्रश्नगत खनन पट्टाधारक द्वारा जलधारा में खनन व अन्य में अनियमित्तायें पाये जाने

क्रमशः 2/-पर.....

जाने के साक्ष्य पाये गये थे, जोकि प्रश्नगत पट्टाधारक द्वारा पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार द्वारा जारी पर्यावरणीय स्वीकृति की शर्त संख्या-32 का स्पष्ट उल्लंघन है। पट्टाधारक के विरुद्ध पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु कार्यालय की आख्या पत्र के साथ संलग्न है।

अतः मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा निस्तारित ओ0ए0संख्या-742/2024 मदन सेन पुत्र स्व0 श्री जगदीश प्रसाद बनाम् स्टेट ऑफ यू0पी0 एवं अन्य मे पारित आदेश दिनांक-23.09.2024 के अनुपालन मे मैसर्स चन्द्रपाल सिंह, गाटा संख्या-314, खण्ड-1 (क्षेत्रफल-4.75 हे0) ग्राम-मानिकपुरा, तहसील-मोंठ, जनपद-झांसी के विरुद्ध राज्य बोर्ड के पत्रांक-एच17477/सी-2/ एनजीटी-662 /24 दिनांक-19.09.2024 द्वारा रू0 4,53,600/- (चार लाख तिरपन हजार छः सौ रूपये मात्र) पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने हेतु जारी कारण बताओ नोटिस की पुष्टि करते हुये रू0 4,53,600/- (चार लाख तिरपन हजार छः सौ रूपये मात्र) पर्यावरणीय क्षतिपूर्ति अधिरोपित किये जाने तथा दिनांक-05.01.2024 से दिनांक-01.05.2024 के मध्य की अवधि अर्थात् 118 दिनो की अवधि में पर्यावरणीय स्वीकृति मे निहित शर्त संख्या-32 का उल्लंघन किये जाने की दशा में रू0 11,80,000.00 (रूपये ग्यारह लाख अस्सी हजार मात्र) धनराशि की पर्यावरण क्षतिपूर्ति अधिरोपित किये जाने हेतु कारण बताओ नोटिस जारी किये जाने की संस्तुति की जाती है।

संलग्नक-यथोपरि।

भवदीय

(इमरान अली)
क्षेत्रीय अधिकारी

वे. शाह

**In The Hon'ble High Court Of Judicature At Allahabad,
Lucknow Bench, Lucknow**

* * *

Neutral Citation No. - 2025 : AHC-LKO:40756-DB
Judgment Reserved on : 11.03.2025
Judgment Delivered on : 17.07.2025

A.F.R.

Court No. - 1

Case : - WRIT - C No. - 4816 of 2024

Petitioner : - Suez India Pvt. Ltd., Through Its Authorized Signatory,
Rajesh Chandra Mathpal

Respondent : - Uttar Pradesh Pollution Control Board, Through Its
Chairman And 6 Others

Counsel for Petitioner : - Aprajita Bansal, Anilesh Tewari, Gursimran
Kaur

Counsel for Respondent : - Asit Srivastava, Ashok Kumar
Verma, C.S.C., Namit Sharma, Rishabh Kapoor

connected with

(1) **Case :** - WRIT - C No. - 151 of 2024

Petitioner : - M/S New Star Brick Works (Erstwhile M/S Shiv Om
Brick Works) Thru. Prop. Afsar Ali

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests,
Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd.
Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(2) **Case :** - WRIT - C No. - 7889 of 2021

Petitioner : - Medical Pollution Control Comm. Thru. Dr. Vinay Kumar
Verma

Respondent : - State Of U.P. Thru. Prin.Secy. Forest/Environment
Lko. And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(3) **Case :** - WRIT - C No. - 5335 of 2022

Petitioner : - M/S Wave Infratech Pvt. Ltd. @ Its Unit The West End
Mall Thru Auth. Signatory And Anr

Respondent : - State Of U.P. Thru Prin.Secy. Environment Deptt. Lko
And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(4) **Case :** - WRIT - C No. - 5340 of 2022

Petitioner : - M/S Al Nafees Frozen Foods Export Pvt. Ltd. Thru
Director Mohd. Arham Qureshi

Respondent : - State Of U.P. Thru Addl.Chief Prin.Secy. Forests And Environment And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,A.S.G,Ashok Kumar Verma

(5) **Case** : - WRIT - C No. - 7746 of 2023

Petitioner : - M/S Arsh Brick Works Thru. Partner Mohd. Ayub

Respondent : - State Of U.P. Thru. Secy., Dept. Of Environment, Forest And Climate Change And Others

Counsel for Petitioner : - Sarvesh Kumar,Shivang Tiwari

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(6) **Case** : - WRIT - C No. - 119 of 2024

Petitioner : - M/S Rachna Metal Industries Pvt. Ltd. Thru M.D. Sadhna Agarwal

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(7) **Case** : - WRIT - C No. - 152 of 2024

Petitioner : - M/S Afaq Brick Field Thru Proprietor Nargish

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(8) **Case** : - WRIT - C No. - 153 of 2024

Petitioner : - M/S Khalil Brick Works Thru. Prop. Usman

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(9) **Case** : - WRIT - C No. - 154 of 2024

Petitioner : - M/S Riza Brick Works Thru Proprietor Mohd. Haroon

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(10) **Case** : - WRIT - C No. - 179 of 2024

Petitioner : - M/S Janta Brick Works (New Name-Munmun Brick Works Kazi Parivar) Thru. Prop. Mohd. Razi

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(11) **Case :** - WRIT - C No. - 181 of 2024

Petitioner : - M/S Good Friends Brick Works Thru. Prop. Irfan

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(12) **Case :** - WRIT - C No. - 188 of 2024

Petitioner : - M/S Colour Touch Thru Proprietor Prakash Chand Chindalia

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mohd. Aslam Khan, Sunny Singh

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(13) **Case :** - WRIT - C No. - 194 of 2024

Petitioner : - M/S Sh Brick Works Thru Proprietor Shabana

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(14) **Case :** - WRIT - C No. - 195 of 2024

Petitioner : - M/S Shiv Brick Works Thru Proprietor Kaminder Alias Kamendra Singh

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(15) **Case :** - WRIT - C No. - 264 of 2024

Petitioner : - M/S Musarfi Hasnain Bricks Works, Through Its Proprietor Rais Ahmad

Respondent : - State Of U.P. Thru. Prin. Secy. Forest Environment And Climate Change Deptt., Lucknow And 5 Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan, Mohd. Khalid Amin Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(16) **Case :** - WRIT - C No. - 265 of 2024

Petitioner : - M/S Durga Brick Works, Through Its Authorized

Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy. Environment Forest And Climate Change, And 6 Others

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(17) **Case** : - WRIT - C No. - 266 of 2024

Petitioner : - M/S Azhari Brick Works Thru Proprietor Tahir Husain

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan,Mohd. Khalid Amin Khan

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(18) **Case** : - WRIT - C No. - 269 of 2024

Petitioner : - M/S K.K. Brick Works, Through Its Authorized Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And 6 Others

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(19) **Case** : - WRIT - C No. - 270 of 2024

Petitioner : - M/S Monu Ent Ydyog (Old Name M/S Shiv Ent Udyog), Through Its Authorized Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And 6 Others

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(20) **Case** : - WRIT - C No. - 273 of 2024

Petitioner : - M/S Shiv Om Brick Works, Through Its Authorized Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And 6 Others

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(21) **Case** : - WRIT - C No. - 288 of 2024

Petitioner : - M/S Kisan Brick Works Thru. Prop. Sharifuddin

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(22) **Case** : - WRIT - C No. - 289 of 2024

Petitioner : - M/S Dilshad Brickworks Moradabad Thru Proprietor Irshad

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(23) **Case** : - WRIT - C No. - 290 of 2024

Petitioner : - M/S Arsh Ent. Udhog, Through Its Partners And Ors.

Respondent : - State Of U.P. Thru Addl. Chief Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Saryu Prasad Tiwari

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(24) **Case** : - WRIT - C No. - 291 of 2024

Petitioner : - M/S Gaus-E-Azam Brick Works (New Name-Gaus-E-Pak Brick Field) Thru. Prop. Idrish

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(25) **Case** : - WRIT - C No. - 292 of 2024

Petitioner : - M/S Ala Hazrat Eintt Udyog (Old Name Latifi Bricks) Thru Proprietor Mohd. Uvaish

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(26) **Case** : - WRIT - C No. - 293 of 2024

Petitioner : - M/S Shiv Brick Works (Old Name Shubham Brick Works And Bhagat Ji Brick Works) Thru. Auth. Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(27) **Case** : - WRIT - C No. - 294 of 2024

Petitioner : - M/S Chaudhary Brick Works Udyog, Through Its Authorized Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(28) **Case** : - WRIT - C No. - 295 of 2024

Petitioner : - M/S Kanakpur Brick Industries Thru Proprietor

Kaminder Alias Kamendra Singh

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests,
Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd.
Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(29) **Case** : - WRIT - C No. - 296 of 2024

Petitioner : - M/S Guru Arjun Brick Works, Through Authorized
Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment
Forest And Climate Change, Lko. And Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(30) **Case** : - WRIT - C No. - 297 of 2024

Petitioner : - M/S Keshav Ent Udyog, Through Its Authorized
Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment
Forest And Climate Change, Lko. And Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(31) **Case** : - WRIT - C No. - 300 of 2024

Petitioner : - M/S Kisan Ent Udhyog, Through Its Authorized
Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment
Forest And Climate Change, Lko. And Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(32) **Case** : - WRIT - C No. - 305 of 2024

Petitioner : - M/S Vikas Brick Works (Present Name An Brick
Works) Thru Auhtorized Signatory

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment,
Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(33) **Case** : - WRIT - C No. - 306 of 2024

Petitioner : - M/S New Shama Brick Works, Thru. Authorized
Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment
Forest And Climate Change, Lko. And Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(34) **Case** : - WRIT - C No. - 351 of 2024

Petitioner : - M/S Jai Brick Works (New Name M/S Sujmana Ent

Udyog) Thru Auth. Signatory

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(35) **Case** : - WRIT - C No. - 354 of 2024

Petitioner : - M/S Subodh Ent Udyog Amroha Thru Auth. Signatory

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(36) **Case** : - WRIT - C No. - 355 of 2024

Petitioner : - M/S Bharat Brick Works

Respondent : - State Of U.P. Thru Addl. Chief Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(37) **Case** : - WRIT - C No. - 357 of 2024

Petitioner : - M/S Chaudhary Ent Udyog, Thru. Authorized Signatory

Respondent : - State Of U.P. Thru Addl. Chief Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(38) **Case** : - WRIT - C No. - 360 of 2024

Petitioner : - M/S Zam Zam Brick Works (Old Name Taj Ent Udyog And New Name Shabab Brick Field) Thru Prop. Shabab

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mohd. Aslam Khan,Ratnesh Dwivedi

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(39) **Case** : - WRIT - C No. - 361 of 2024

Petitioner : - M/S Hidayah Brick Field (Old Name Khurshed Brick Field)

Respondent : - State Of U.P. Thru Addl. Chief Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(40) **Case** : - WRIT - C No. - 368 of 2024

Petitioner : - M/S Guru Nanak Brick Works Daulatapur Bhud Amroha Thru Auth. Signatory

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava
Counsel for Respondent : - C.S.C.,Asit Srivastava

(41) **Case :** - WRIT - C No. - 371 of 2024

Petitioner : - M/S National Brick Works Vill. Noner Amroha Thru Auth. Signatory

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(42) **Case :** - WRIT - C No. - 372 of 2024

Petitioner : - M/S Chaudhary Ent Udyog (New Name Balaji Ent Udyog) Dhanaura Amroha Thru Auth. Signatory

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(43) **Case :** - WRIT - C No. - 375 of 2024

Petitioner : - M/S Royal Brick Field (New Name Star Brick Field) Chittupur Bilari Moradabad Thru Prop. Afsar Ali

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mohd. Aslam Khan,Ratnesh Dwivedi

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(44) **Case :** - WRIT - C No. - 420 of 2024

Petitioner : - M/S Chaudhary Brick Works Thru. Prop. Deepak Kumar

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Harsh Vardhan Kediya,Aditi Tripathi,Sheeran Mohiuddin Alavi

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekher Pandey

(45) **Case :** - WRIT - C No. - 425 of 2024

Petitioner : - M/S A.S.B. Brick Works Thru Partner Britpal Singh

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Harsh Vardhan Kediya,Sheeran Mohiuddin Alavi,Shubham Tripathi

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekher Pandey

(46) **Case :** - WRIT - C No. - 427 of 2024

Petitioner : - M/S A H Brick Works (New Name- Lavi Bricks Works,

P. Name- Habibi Brick Works) Thru Qayyum Hussian
Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment
 And Climate Change, Lko. And 5 Others
Counsel for Petitioner : - Jalaj Kumar Gupta, Ankur Yadav, Mohd.
 Aslam Khan, Ratnesh Dwivedi
Counsel for Respondent : - C.S.C., Asit Srivastava

(47) **Case** : - WRIT - C No. - 430 of 2024
Petitioner : - M/S New India Brick Field (Old Name National Brick
 Works/ Faizan Brick Works) Thru Prop. Mohd. Rayyan
Respondent : - State Of U.P. Thru Prin. Secy. Deptt. Of Forests,
 Environment And Climate Change And Ors.
Counsel for Petitioner : - Harsh Vardhan Kediya, Aditi
 Tripathi, Sheeran Mohiuddin Alavi
Counsel for Respondent : - C.S.C., Ashok Kumar Verma, Chandra
 Shekher Pandey

(48) **Case** : - WRIT - C No. - 431 of 2024
Petitioner : - M/S Avon Ent Udyog, Through Its Authorized
 Signatory
Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment
 Forest And Climate Change, Lko. And Others
Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava
Counsel for Respondent : - C.S.C., Asit Srivastava

(49) **Case** : - WRIT - C No. - 432 of 2024
Petitioner : - M/S Khan Brick Industries, Through Its Proprietor,
 Wasim Ahmad Khan
Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment
 And Climate Change, Lko. And Others
Counsel for Petitioner : - Arvind Kumar Shukla
Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(50) **Case** : - WRIT - C No. - 467 of 2024
Petitioner : - M/S Mumtaz Brick Works Thru Proprietor Jaane Alam
Respondent : - State Of U.P. Thru Prin. Secy. Deptt. Of Forests,
 Environment And Climate Change And Ors.
Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd.
 Aslam Khan, Ratnesh Dwivedi
Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(51) **Case** : - WRIT - C No. - 468 of 2024
Petitioner : - M/S Jai Shri Sai Brick Works, Dhureta Bahjoi Road
 Sambhal Thru Auth. Signatory
Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment,
 Forests And Climate Change And Ors.
Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava
Counsel for Respondent : - C.S.C., Asit Srivastava

- (52) **Case :** - WRIT - C No. - 474 of 2024
Petitioner : - M/S Janta Brick Works Thru Proprietor Mohd. Sahroz Domghar, Bilari, Moradabad
Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.
Counsel for Petitioner : - Jalaj Kumar Gupta, Mohd. Aslam Khan, Ratnesh Dwivedi
Counsel for Respondent : - C.S.C., Ashok Kumar Verma
- (53) **Case :** - WRIT - C No. - 559 of 2024
Petitioner : - M/S Farmer Brick Industries, Thru. Its Partner Sri Syed Arif Iqbal
Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And Others
Counsel for Petitioner : - Samita Chitranshi
Counsel for Respondent : - C.S.C., Asit Srivastava, Devesh Chandra Pathak
- (54) **Case :** - WRIT - C No. - 561 of 2024
Petitioner : - M/S V.P.S. Brick Works (New Name Radha Krishna Brick Field) Thru Proprietor Vijay Pal Singh
Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.
Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan, Mohd. Khalid Amin Khan
Counsel for Respondent : - C.S.C., Asit Srivastava
- (55) **Case :** - WRIT - C No. - 562 of 2024
Petitioner : - M/S Khwaja Brick Works Thru Proprietor Yasin Alias Asin
Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.
Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan
Counsel for Respondent : - C.S.C., Asit Srivastava
- (56) **Case :** - WRIT - C No. - 565 of 2024
Petitioner : - M/S Khawaja Brick Works (Malik Brick Works) Thru Proprietor Muntayaj
Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.
Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan
Counsel for Respondent : - C.S.C., Asit Srivastava
- (57) **Case :** - WRIT - C No. - 569 of 2024
Petitioner : - M/S M.A. Brick Works Thru Proprietor Mahendra Singh
Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests,

Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(58) **Case :** - WRIT - C No. - 603 of 2024

Petitioner : - M/S Manya Eint Udyog (New Name Bharat Intt. Udyog) Thru Proprietor Brajpal Singh

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(59) **Case :** - WRIT - C No. - 605 of 2024

Petitioner : - M/S Mailk Entt Udyog, Thru. Its Proprietor Riyasat

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Ankur Yadav, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(60) **Case :** - WRIT - C No. - 607 of 2024

Petitioner : - M/S Azazi Brick Works, Sambhal, Thru. Its Authorized Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(61) **Case :** - WRIT - C No. - 610 of 2024

Petitioner : - M/S Indian Green Brick Works, Sambhal, Thru. Its Authorized Signatory

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And Others

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava, Devesh Chandra Pathak

(62) **Case :** - WRIT - C No. - 612 of 2024

Petitioner : - M/S Khan Brick Works (New Name Khan Int Udyog) Thru Prop. Mohd. Rafiq

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

- (63) **Case** : - WRIT - C No. - 614 of 2024
Petitioner : - M/S Shiv Hari Brick Works, (New Name Mahadev Intt Udyog), Thru. Its Proprietor Kushal Gautam
Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others
Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan, Sunny Singh
Counsel for Respondent : - C.S.C., Asit Srivastava
- (64) **Case** : - WRIT - C No. - 619 of 2024
Petitioner : - M/S Sabara Brick Works (New Name Faizan Brick Works) Thru Proprietor Mohd. Faizan
Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.
Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan
Counsel for Respondent : - C.S.C., Asit Srivastava
- (65) **Case** : - WRIT - C No. - 621 of 2024
Petitioner : - M/S Prem Int Udyog (New Name Supreme Brick Field) Thru Proprietor Yogendra Pal Singh
Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.
Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan
Counsel for Respondent : - C.S.C., Asit Srivastava
- (66) **Case** : - WRIT - C No. - 623 of 2024
Petitioner : - M/S Noor Brick Field Thru Proprietor Yaar Mohammad Khan
Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.
Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan
Counsel for Respondent : - C.S.C., Asit Srivastava
- (67) **Case** : - WRIT - C No. - 626 of 2024
Petitioner : - M/S Rafi Turki Star Brick Field (Bharat Brick Works), Thru. Its Proprietor Mohd Rafi
Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others
Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan, Mohd. Khalid Amin Khan
Counsel for Respondent : - C.S.C., Asit Srivastava
- (68) **Case** : - WRIT - C No. - 648 of 2024
Petitioner : - M/S Khuawaza Brick Works (Old Name M/S Famous Brick Works) Thru Proprietor Zabir Ali
Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests,

Environment And Climate Change And Ors.

Counsel for Petitioner : - Harsh Vardhan Kediya, Aditi Tripathi, Sheeran Mohiuddin Alavi

Counsel for Respondent : - C.S.C., Ashok Kumar Verma, Chandra Shekher Pandey

(69) **Case :** - WRIT - C No. - 703 of 2024

Petitioner : - Shan Brick Field (New Name India Brick Ind.) Thru Prop. Afaq Ahmad Siddique

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Kripa Shankar Yadav, Moni Yadav

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(70) **Case :** - WRIT - C No. - 706 of 2024

Petitioner : - M/S New Kohinoor Brick Field Thru Proprietor Zulfiqar Ahmad

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Kripa Shankar Yadav, Preeti Yadav

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(71) **Case :** - WRIT - C No. - 719 of 2024

Petitioner : - M/S Ali Ent Udhyog , Amroha Thru. Its Partners And Others

Respondent : - State Of U.P. Thru. Prin. Secy. Forest Environment And Climate Change Deptt. Lko. And Others

Counsel for Petitioner : - Ram Ji Trivedi, Pawan Kumar Upadhyay, Shraddha Tripathi

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(72) **Case :** - WRIT - C No. - 736 of 2024

Petitioner : - M/S Habibi Brick Field Thru Proprietor Mujammil

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(73) **Case :** - WRIT - C No. - 746 of 2024

Petitioner : - M/S Shri Krishna Brick Works Thru Proprietor Vipin Kumar

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(74) **Case :** - WRIT - C No. - 751 of 2024

Petitioner : - M/S Jai Ambe Brick Works Thru Auth. Signatory Irfan

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(75) **Case :** - WRIT - C No. - 753 of 2024

Petitioner : - M/S Quality Brick Works Thru Auth. Signatory Afsar Ali

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(76) **Case :** - WRIT - C No. - 755 of 2024

Petitioner : - M/S Mlk Brick Works Thru Auth. Signatory Mahboob

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(77) **Case :** - WRIT - C No. - 760 of 2024

Petitioner : - M/S New Ahmad Ent Bhatta Through Proprietor Haseeb Ahmad

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Prashant Shukla

Counsel for Respondent : - C.S.C.,Asit Srivastava

(78) **Case :** - WRIT - C No. - 765 of 2024

Petitioner : - M/S Janab Chaudhary Brick Works, Proprietor Bhoore Khan

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(79) **Case :** - WRIT - C No. - 767 of 2024

Petitioner : - M/S Mohammad Ent. Udyog, Through Proprietor Rahil Husain

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta,Jayvind Singh Yadav,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

- (80) **Case** : - WRIT - C No. - 771 of 2024
Petitioner : - M/S Hazi Mushtaq Brick Works Through Partner Shri Rahat Jaan
Respondent : - State Of U.P. Through Principal Secretary, Forest, Environment And Climate Change And Ors.
Counsel for Petitioner : - Prashant Shukla
Counsel for Respondent : - C.S.C.,Asit Srivastava
- (81) **Case** : - WRIT - C No. - 799 of 2024
Petitioner : - Aaka Brick Centre (New Name Tehsin Brick Centre) Thru Proprietor Jishan Ahmad
Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.
Counsel for Petitioner : - Kripa Shankar Yadav,Moni Yadav
Counsel for Respondent : - C.S.C.,Ashok Kumar Verma
- (82) **Case** : - WRIT - C No. - 800 of 2024
Petitioner : - M/S Kubra Brick Field Thru Proprietor Abdul Kalam
Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.
Counsel for Petitioner : - Kripa Shankar Yadav,Preeti Yadav
Counsel for Respondent : - C.S.C.,Ashok Kumar Verma
- (83) **Case** : - WRIT - C No. - 801 of 2024
Petitioner : - M/S Prince Brick Work (Old Name Ksn Brick Works) Thru Sole Proprietor Veerpal Singh
Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.
Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava
Counsel for Respondent : - C.S.C.,Asit Srivastava
- (84) **Case** : - WRIT - C No. - 806 of 2024
Petitioner : - M/S New Fauji Brick Works Thru Authorized Signatory
Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.
Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava
Counsel for Respondent : - C.S.C.,Asit Srivastava
- (85) **Case** : - WRIT - C No. - 837 of 2024
Petitioner : - M/S Ahmad Shah Brick Works (New Name Akbar Husain Brick Works) Thru Proprietor Imran Husain
Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.
Counsel for Petitioner : - Jalaj Kumar Gupta,Jayvind Singh Yadav,Mehdi Khan,Mohd. Aslam Khan
Counsel for Respondent : - C.S.C.,Asit Srivastava
- (86) **Case** : - WRIT - C No. - 866 of 2024
Petitioner : - M/S Hafeez Ent Udhyog Thru Authorized Signatory

Sayeed Khan

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment, Forests And Climate Change And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava

(87) **Case** : - WRIT - C No. - 868 of 2024

Petitioner : - M/S Yadavji Entt Udyog (New Name Fauji Ent Udyog) Thru Proprietor Abad Khan

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(88) **Case** : - WRIT - C No. - 990 of 2024

Petitioner : - M/S Kalawati Brick Works, Through Its Proprietor, Kalavati

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(89) **Case** : - WRIT - C No. - 991 of 2024

Petitioner : - M/S Vishal Brick Works(Old Name-Sri Ganga Brick Works), Through Proprietor, Gajraj Singh

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(90) **Case** : - WRIT - C No. - 992 of 2024

Petitioner : - M/S Kazi Brick Works (Om Brick Works) Thru Proprietor Smt. Shajahan

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(91) **Case** : - WRIT - C No. - 993 of 2024

Petitioner : - M/S GGR Brick Works, Through Its Proprietor Ramvir Singh Chhabra

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd.

Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(92) **Case :** - WRIT - C No. - 994 of 2024

Petitioner : - M/S Bankey Bihari Brick Works, Through Its Proprietor Ravindra Kumar Yadav

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(93) **Case :** - WRIT - C No. - 997 of 2024

Petitioner : - M/S M.H. Brick Works. Through Its Proprietor Habeeb

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta,Ankur Yadav,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(94) **Case :** - WRIT - C No. - 998 of 2024

Petitioner : - M/S Siddhart Brick Works(Old Name Mahaveer Brick Works) Thru Proprietor Mayank Jain

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(95) **Case :** - WRIT - C No. - 999 of 2024

Petitioner : - M/S Ganesh Brick Works Thru Proprietor Nem Chand

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(96) **Case :** - WRIT - C No. - 1000 of 2024

Petitioner : - M/S Habeeb Brick Field (Old Name Roshan Brick Works) Thru Proprietor Mohd. Akil

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(97) **Case :** - WRIT - C No. - 1001 of 2024

Petitioner : - M/S G And C Brick Works (Old Name-Hind Brick Works) Thru. Prop. Girish Chandra

Respondent : - State Of U.P Thru. Prin. Secy., Environment, Forest And Climate Change And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(98) **Case :** - WRIT - C No. - 1054 of 2024

Petitioner : - M/S Kisan Brick Works (New Name-Asadullah Brick Works), Through Its Proprietor Irfan

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Jayvind Singh Yadav, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(99) **Case :** - WRIT - C No. - 1056 of 2024

Petitioner : - M/S Khwaja Garib Nawaj Ent Udyog (Old Name-Sabri Ent Udyog), Through Its Partner Zakir Hussain

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(100) **Case :** - WRIT - C No. - 1058 of 2024

Petitioner : - M/S Seven Sky Brick Works (New Name-Seven Star Brick Works), Through Its Proprietor Wajid Ali

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(101) **Case :** - WRIT - C No. - 1059 of 2024

Petitioner : - M/S Sabri Brick Works, Through Its Proprietor Akram

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Tushar Verma

(102) **Case :** - WRIT - C No. - 1083 of 2024

Petitioner : - M/S New Gold Brick Field Thru Proprietor Pradeep Kumar

Respondent : - State Of U.P. Thru Prin. Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Tushar Verma

(103) **Case** : - WRIT - C No. - 1084 of 2024

Petitioner : - M/S Maa Vaishno Brick Field Thru Proprietor Ram Prakash

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Tushar Verma

(104) **Case** : - WRIT - C No. - 1088 of 2024

Petitioner : - Aman Ent Udyog (New Name New Raj Brick Works) Through Its Proprietor Mohammad Haroon

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Tushar Verma

(105) **Case** : - WRIT - C No. - 1092 of 2024

Petitioner : - M/S Omesh Brick Works, Through Its Proprietor Rajpal Singh

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Ashok Kumar Verma, Tushar Verma

(106) **Case** : - WRIT - C No. - 1106 of 2024

Petitioner : - M/S N.G. Brick Field (Old Name Gold Brick Field) Thru Proprietor Pradeep Kumar

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Tushar Verma

(107) **Case** : - WRIT - C No. - 1126 of 2024

Petitioner : - M/S Shiv Narain Brick Field, Through Its Proprietor, Manoj Kumar

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Tushar Verma

(108) **Case** : - WRIT - C No. - 1129 of 2024

Petitioner : - M/S Jagdambe Brick Works Thru Partner Sudhish

Kumar

Respondent : - State Of U.P. Thru Addl.Chief Secy. Forests,
Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Smita Chitranshi

Counsel for Respondent : - C.S.C.,Asit Srivastava,Tushar Verma

(109) **Case** : - WRIT - C No. - 1131 of 2024

Petitioner : - M/S Ahmad Brick Field, Sitapur Thru Authorized
Signatory Javed Ahmad

Respondent : - State Of U.P. Thru Addl.Chief Secy. Forests,
Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Asit Srivastava,Tushar Verma

(110) **Case** : - WRIT - C No. - 1154 of 2024

Petitioner : - M/S Shri Krishna Ent Udyog Thru Proprietor Prince
Kumar

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment
And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd.
Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava

(111) **Case** : - WRIT - C No. - 1156 of 2024

Petitioner : - M/S Ahmad Ullah Brick Works Thru Proprietor Haider
Ali Khan

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment
And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd.
Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava,Tushar Verma

(112) **Case** : - WRIT - C No. - 1158 of 2024

Petitioner : - M/S I.S. Beg Brick Field Thru Partner Izhar Beg

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment
And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd.
Aslam Khan

Counsel for Respondent : - C.S.C.,Asit Srivastava,Tushar Verma

(113) **Case** : - WRIT - C No. - 1198 of 2024

Petitioner : - M/S Bharat Brick Field (New Name Jiya Intt. Udyog)
Thru Partner Ahmad Hasan

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment
And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd.
Aslam Khan

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(114) **Case** : - WRIT - C No. - 1205 of 2024

Petitioner : - M/S Hmk Brick Works (Old Name Haji Mateen) Thru Proprietor Matin Khan

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Vaibhav Mishra

(115) **Case** : - WRIT - C No. - 1208 of 2024

Petitioner : - M/S Royal Brick Works And Ruby Brick Works (New Name Aka Brick Works) Thru Proprietor Aleem Ahmad

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Vaibhav Mishra

(116) **Case** : - WRIT - C No. - 1230 of 2024

Petitioner : - M/S Gurudeen Brick Field Thru Proprietor Sri Ram Verma

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Vaibhav Mishra

(117) **Case** : - WRIT - C No. - 1250 of 2024

Petitioner : - M/S Chaman Brick Field Sitapur Thru Its Partner(S) Mohd. Ibrahim And Ors.

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Vaibhav Mishra

(118) **Case** : - WRIT - C No. - 1275 of 2024

Petitioner : - M/S New Bharat Brick Works, Through Proprietor Noushad Ali

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Vaibhav Mishra

(119) **Case** : - WRIT - C No. - 1279 of 2024

Petitioner : - M/S Mohasin Brick Works (Present Name New Fine Brick Works), Through Partnet Razabul

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment

And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Rishabh Chauhan

(120) **Case :** - WRIT - C No. - 1281 of 2024

Petitioner : - M/S Jishan Ent Udyog, Through Partner Mohd. Ali

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Rishabh Chauhan

(121) **Case :** - WRIT - C No. - 1286 of 2024

Petitioner : - M/S Shankar Brick Works (New Name Narayan Brick Works) Thru Proprietor Devdutt

Respondent : - State Of U.P. Thru Prin. Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Rishabh Chauhan

(122) **Case :** - WRIT - C No. - 1297 of 2024

Petitioner : - M/S Saklani Ent Udyog (Old Name Mehrab Ent Udyog), Through Partner Mushahid

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Rishabh Chauhan

(123) **Case :** - WRIT - C No. - 1298 of 2024

Petitioner : - M/S Jugnu Ent Udyog Amroha Thru Proprietor Buniyad Ali

Respondent : - State Of U.P. Thru Prin. Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Vivek Kumar Rai

(124) **Case :** - WRIT - C No. - 1324 of 2024

Petitioner : - M/S Hindustan Ent Udyog Thru Partner Nanhe Khan

Respondent : - State Of U.P. Thru Prin. Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(125) **Case** : - WRIT - C No. - 1325 of 2024

Petitioner : - M/S New Fauji Brick Works Thru Proprietor Aftab Khan

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change, Lucknow And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(126) **Case** : - WRIT - C No. - 1402 of 2024

Petitioner : - M/S Shyam Ent Udyog (New Present Name Sangam Ent Udyog) Thru. Partner Tausif

Respondent : - State Of U.P Thru. Prin. Secy. Forest, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(127) **Case** : - WRIT - C No. - 1403 of 2024

Petitioner : - M/S Tiranga Brick Works (Old Name Kisan Brick Works), Through Proprietor Intyaz

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Abhishek Tiwari, Asit Srivastava

(128) **Case** : - WRIT - C No. - 1408 of 2024

Petitioner : - M/S Ansari Brick Field, Through Its Proprietor Mustaq Ahmad

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan, Ratnesh Dwivedi

Counsel for Respondent : - C.S.C., Abhishek Tiwari, Asit Srivastava

(129) **Case** : - WRIT - C No. - 1431 of 2024

Petitioner : - M/S Hm Brick Field Thru. Partners Mohammad Waseem Khan And Alim Khan

Respondent : - State Of U.P Thru. Prin. Secy., Forest, Environment And Climate Change And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(130) **Case** : - WRIT - C No. - 1624 of 2024

Petitioner : - M/S Mustak Brick Industries, Thru. Its Partners, Jafruddin, Mustakeem, Bhure Ali And Chottey Ali

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment

And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Abhishek Tiwari, Asit Srivastava

(131) **Case :** - WRIT - C No. - 1653 of 2024

Petitioner : - M/S Amd Brick Works (New Name Rana Brick Works) Thru Prop. Janne Alam Malpura Urf Malpur, Sambhal

Respondent : - State Of U.P. Thru Prin.Secy. Forests Environment And Climate Change Deptt. Lko And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(132) **Case :** - WRIT - C No. - 1777 of 2024

Petitioner : - M/S Qadri Brick Field Thru Its Partner Akabri Khan

Respondent : - State Of U.P. Thru Prin.Secy. Deptt. Of Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(133) **Case :** - WRIT - C No. - 1790 of 2024

Petitioner : - Huda Brick Works, Thru. Its Partner(S), Shri Shuav Ullah Khan And Others

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(134) **Case :** - WRIT - C No. - 1791 of 2024

Petitioner : - M/S Sri Balaji Brick, Thru. Proprietor, Rohit Kumar

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan, Sunny Singh

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher Pandey

(135) **Case :** - WRIT - C No. - 1981 of 2024

Petitioner : - M/S Star Brick Field Sitapur Thru Proprietor Abdul Rehman

Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher Pandey

(136) **Case** : - WRIT - C No. - 1988 of 2024

Petitioner : - M/S Chapna Brick Works Thru Prop. Seema Agarwal
Respondent : - State Of U.P. Thru Prin.Secy. Forests, Environment
 And Climate Change And Ors.

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd.
 Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher
 Pandey

(137) **Case** : - WRIT - C No. - 2244 of 2024

Petitioner : - Ans Brick Works, Thru. Its Partners Babu, Injar Ali,
 Mohd Yameen, Mohd. Azam And Naeem Ali

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment
 And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd.
 Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher
 Pandey

(138) **Case** : - WRIT - C No. - 3176 of 2024

Petitioner : - M/S Bharat Brick Field Thru. Partners Abdul Haq And
 Mohd. Israil

Respondent : - State Of U.P Prin. Secy., Forest, Environment And
 Climate Change And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava

(139) **Case** : - WRIT - C No. - 4991 of 2024

Petitioner : - Ashish Kumar Singh

Respondent : - State Of U.P. Thru. Spl. Secy., Deptt. Geology And
 Mining, And Others

Counsel for Petitioner : - Pushpila Bisht, Ruchir

Counsel for Respondent : - C.S.C., Ashok Kumar Verma, Asit
 Srivastava

(140) **Case** : - WRIT - C No. - 5047 of 2024

Petitioner : - M/S Shri Krishna Art And Dyeing, Thru. Proprietor Shri
 Kiran Pal Singh

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment
 And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd.
 Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher
 Pandey

(141) **Case** : - WRIT - C No. - 5048 of 2024

Petitioner : - M/S Diamond Brickfield Through Proprietor Mohd.
 Jubair

Respondent : - State Of U.P. Thru. Addl. Chief Secy., Environment Forest And Climate Change, Lko. And Others

Counsel for Petitioner : - Saryu Prasad Tiwari, Ashutosh Tiwari

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(142) **Case :** - WRIT - C No. - 5459 of 2024

Petitioner : - M/S Ujala Bricks (Now J.P. Ent Bhatta) Thru Vijendra Singh And Ors.

Respondent : - State Of U.P. Thru Addl. Chief Secy. Deptt. Of Environment Forest And Climate Change Lko And Ors.

Counsel for Petitioner : - Piyush Pathak, Ashutosh Tiwari

Counsel for Respondent : - C.S.C., Ashok Kumar Verma, Chandra Shekhar Pandey

(143) **Case :** - WRIT - C No. - 5685 of 2024

Petitioner : - M/S Famous Bricks Thru Its Partner Abdul Khalik

Respondent : - State Of U.P. Thru Addl. Chief Secy. Deptt. Of Environment Forest And Climate Change Lko And Ors.

Counsel for Petitioner : - Vikas Vikram Singh, Sumedha Sen, Syed Mehfuzur Rehman

Counsel for Respondent : - C.S.C., Ashok Kumar Verma, Chandra Shekher Pandey

(144) **Case :** - WRIT - C No. - 6221 of 2024

Petitioner : - M/S Om Baba Brick Works, Thru. Its Proprietor Yashdeep

Respondent : - State Of U.P. Thru. Prin. Secy., Forest Environment And Climate Change Deptt., Lko. And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher Pandey

(145) **Case :** - WRIT - C No. - 6641 of 2024

Petitioner : - M/S J.S. International (Pet Food Division) Thru. Partner Mohd. Javed Soleja

Respondent : - State Of U.P. Thru. Prin. Secy., Forest, Environment And Climate Change And Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Devesh Chandra Pathak, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher Pandey

(146) **Case :** - WRIT - C No. - 7208 of 2024

Petitioner : - M/S New Bharat Ent Bhatta, Thru. Proprietors Mohd. Jubair, Zeeshan, Wahid And Atik Ahmad

Respondent : - State Of U.P. Thru. Secy. Zoology And Mining Dept. And Another

Counsel for Petitioner : - Saryu Prasad Tiwari
Counsel for Respondent : - C.S.C.

(147) **Case :** - WRIT - C No. - 7543 of 2024
Petitioner : - M/S Pind Balluchi (Unit Of Excellence Hospitality)
 Thru. Partner Smarity Sindhu And Monu Mishra
Respondent : - State Of U.P., Thru. Prin. Secy., Forest, Environment
 And Climate Change And Others
Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd.
 Aslam Khan
Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher
 Pandey

(148) **Case :** - WRIT - C No. - 7616 of 2024
Petitioner : - M/S Gupta Brick Works Thru Proprietor Rakesh Kumar
Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment
 Forest And Climate Change Lko And Ors.
Counsel for Petitioner : - Smita Chitranshi
Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher
 Pandey

(149) **Case :** - WRIT - C No. - 7619 of 2024
Petitioner : - M/S Mlk Brick Works Gumsani Sambhal Thru Partner
 Lal Bahadur
Respondent : - State Of U.P. Thru Addl. Chief Secy. Environment
 Forest And Climate Change Lucknow And Ors.
Counsel for Petitioner : - Smita Chitranshi
Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher
 Pandey

(150) **Case :** - WRIT - C No. - 7832 of 2024
Petitioner : - M/S Laxmi Brick Field Thru Proprietor Madan Pal
Respondent : - State Of U.P. Thru Prin. Secy. Forest Environment
 And Climate Change Lko And Ors.
Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd.
 Aslam Khan, Sunny Singh
Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher
 Pandey

(151) **Case :** - WRIT - C No. - 7916 of 2024
Petitioner : - Abhay Singh
Respondent : - State Of U.P. Thru Addl. Chief Secy. Ministry Of
 Environment Forest And Climate Change Lko And Ors.
Counsel for Petitioner : - Himanshu Kamboj, Amit Dwivedi
Counsel for Respondent : - C.S.C., Asit Srivastava

(152) **Case :** - WRIT - C No. - 8064 of 2024
Petitioner : - M/S Madina Frozen Foods Pvt. Ltd., Through Its
 Director Mohammad Yamin Khan

Respondent : - State Of U.P. Thru. Prin. Secy. Forest Environment And Climate Change Deptt., Lucknow And 5 Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher Pandey

(153) **Case** : - WRIT - C No. - 8110 of 2024

Petitioner : - M/S J.B. Daruka Paper Mill Thru Authorized Signatory Shiv Kumar Pandey

Respondent : - State Of U.P. Thru Addl. Chief/ Prin. Secy. Deptt. Of Environment Forests And Climate Change And Ors

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Ashok Kumar Verma, Asit Srivastava

(154) **Case** : - WRIT - C No. - 8204 of 2024

Petitioner : - M/S Sidra Washing, Through Proprietor Mohd. Wasim

Respondent : - State Of U.P. Thru. Prin. Secy. Forest Environment And Climate Change Deptt., Lucknow And 5 Others

Counsel for Petitioner : - Jalaj Kumar Gupta, Mehdi Khan, Mohd. Aslam Khan

Counsel for Respondent : - C.S.C., Asit Srivastava, Chandra Shekher Pandey, Ranjana Srivastava, Shivam Srivastava

(155) **Case** : - WRIT - C No. - 8461 of 2024

Petitioner : - Mohd. Danish

Respondent : - State Of U.P. Thru Prin. Secy. Environment Deptt. Lko And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Asit Srivastava

(156) **Case** : - WRIT - C No. - 8496 of 2024

Petitioner : - Gul Vadan

Respondent : - State Of U.P. Thru Addl. Chief Secy. Ministry Of Environment Forest And Climate Change Lko And Ors.

Counsel for Petitioner : - Himanshu Kamboj, Amit Dwivedi

Counsel for Respondent : - C.S.C., Asit Srivastava

(157) **Case** : - WRIT - C No. - 8509 of 2024

Petitioner : - Shakeel Ahmad

Respondent : - State Of U.P. Thru Prin. Secy. Environment Deptt. Lucknow And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava, Rahul Srivastava

Counsel for Respondent : - C.S.C., Ashok Kumar Verma, Asit Srivastava

(158) **Case** : - WRIT - C No. - 8510 of 2024

Petitioner : - Niraj Upadhyay

Respondent : - State Of U.P. Thru Addl. Chief Secy. Ministry Of Environment Forests And Climate Change Lko And Ors
Counsel for Petitioner : - Himanshu Kamboj,Amit Dwivedi
Counsel for Respondent : - C.S.C.,Asit Srivastava

(159) **Case :** - WRIT - C No. - 8513 of 2024
Petitioner : - Ganga Sagar Singh
Respondent : - State Of U.P. Thru Addl.Chief Secy. Environemtn Forests And Climate Change Lko And Ors.
Counsel for Petitioner : - Vinod Kumar Mishra,Amit Dwivedi
Counsel for Respondent : - C.S.C.,Asit Srivastava

(160) **Case :** - WRIT - C No. - 8775 of 2024
Petitioner : - M/S Tandoori Chaska (Old Name Shreshtha Gandhi Food Forest) Thru Partner Anil Sharma
Respondent : - State Of U.P. Thru Prin.Secy. Forest Environment And Climate Change Lko And Ors.
Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan
Counsel for Respondent : - C.S.C.,Asit Srivastava,Chandra Shekher Pandey

(161) **Case :** - WRIT - C No. - 8791 of 2024
Petitioner : - M/S Jubliant Food Works Ltd. Thru Auth. Person Nrip Vibhaw
Respondent : - State Of U.P. Thru Prin.Secy. Forest, Environment And Climate Change Deptt. Lko And Ors.
Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan
Counsel for Respondent : - C.S.C.,Asit Srivastava,Chandra Shekher Pandey

(162) **Case :** - WRIT - C No. - 11237 of 2024
Petitioner : - M/S R.K. Ent Udyog Through Its Authorised Representative Shri Kumar Pal Singh
Respondent : - State Of U.P. Thru Prin.Secy. Forests Environment And Climate Change And Ors.
Counsel for Petitioner : - Prashant Shukla,Priya Pandey
Counsel for Respondent : - C.S.C.,Asit Srivastava

(163) **Case :** - WRIT - C No. - 490 of 2025
Petitioner : - M/S Bohre Ram Dayal, Ent Udhyog, Proprietor Shri Ashok Kumar Bhardwaj
Respondent : - State Of U.P. Thru. Prin. Secy. Forest Environment Climate Change Deptt., Lucknow And Others
Counsel for Petitioner : - Jalaj Kumar Gupta,Mehdi Khan,Mohd. Aslam Khan
Counsel for Respondent : - C.S.C.,Chandra Shekher Pandey

(164) **Case** : - WRIT - C No. - 1179 of 2025

Petitioner : - M/S Santosh Ent Bhatta Sultanpur Thru Its Proprietor Raj Keshar Singh

Respondent : - U.P. Pollution Control Board Lucknow Thru Chairman And Ors.

Counsel for Petitioner : - Ajay Pratap Singh

Counsel for Respondent : - Ashok Kumar Verma,C.S.C.

(165) **Case** : - WRIT - C No. - 1420 of 2025

Petitioner : - M/S Alig Tannery Unnao Thru Its Authorized Representative Hameedur Rehman Ansari

Respondent : - State Of U.P. Thru Addl. Chief Secy. Environemtn Forests And Climate Change And Ors.

Counsel for Petitioner : - Pooja Singh,Abhishek Yadav,Surya Prakash Tiwari

Counsel for Respondent : - C.S.C.,Asit Srivastava,Vaibhav Mishra

(166) **Case** : - WRIT - C No. - 1512 of 2025

Petitioner : - M/S Gaursons Promoters Pvt. Ltd. Thru Authorized Signatory Divyanshu Srivastava

Respondent : - State Of U.P. Thru Prin.Secy. Environment Deptt. Lucknow And Ors.

Counsel for Petitioner : - Salil Kumar Srivastava,Rahul Srivastava

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma

(167) **Case** : - WRIT - C No. - 1610 of 2025

Petitioner : - M/S Bhagwati Colour Implex Ghaziabad Thru Proprietor Mukesh Pahuja

Respondent : - State Of U.P. Thru Prin.Secy. Environment Forests And Climate Change Lko And Ors.

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekhar Pandey,Chandra Shekher Pandey

(168) **Case** : - WRIT - C No. - 1611 of 2025

Petitioner : - M/S Pawan Dyeing Ghaziabad Thru Proprietor Pawan Agarwal

Respondent : - State Of U.P. Thru Prin.Secy. Environment Forests And Climate Change Lko And Ors.

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekhar Pandey

(169) **Case** : - WRIT - C No. - 1626 of 2025

Petitioner : - M/S Lakshya Enterprises (Old Name Shikha Enterprises) Ghaziabad Thru Prop. Subhash Chand Yadav

Respondent : - State Of U.P. Thru Prin.Secy. Environment Forests And Climate Change Lko And Ors.

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekhar Pandey

(170) **Case :** - WRIT - C No. - 1627 of 2025

Petitioner : - M/S Jai Maa Garments Ghaziabad Thru Proprietor Suresh Chandra

Respondent : - State Of U.P. Thru Prin.Secy. Environment Forests And Climate Change Lko And Ors.

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekhar Pandey,Chandra Shekher Pandey

(171) **Case :** - WRIT - C No. - 1632 of 2025

Petitioner : - M/S Vanshika Dyeing Ghaziabad Thru Proprietor Desh Raj Gupta

Respondent : - State Of U.P. Thru Prin.Secy. Environment Forests And Climate Change Lko And Ors.

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekhar Pandey,Chandra Shekher Pandey

(172) **Case :** - WRIT - C No. - 1633 of 2025

Petitioner : - M/S S. Star Enterprises Ghaziabad Thru Prop. Rajmala

Respondent : - State Of U.P. Thru Prin.Secy. Environment Forests And Climate Change Lko And Ors.

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekhar Pandey,Chandra Shekher Pandey

(173) **Case :** - WRIT - C No. - 1714 of 2025

Petitioner : - M/S Nisha Prints Ghaziabad Thru Proprietor Ram Prakash

Respondent : - State Of U.P. Thru Prin.Secy. Environment Forests And Climate Change Lko And Ors.

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - C.S.C.,Ashok Kumar Verma,Chandra Shekhar Pandey

(174) **Case :** - WRIT - C No. - 1715 of 2025

Petitioner : - M/S Swastik Washing Works Ghaziabad Thru Proprietor Shikha Jain

Respondent : - State Of U.P And Others

Counsel for Petitioner : - Kazim Ibrahim

Counsel for Respondent : - Vaibhav Mishra,Ashok Kumar Verma,Chandra Shekhar Pandey

(175) **Case :** - WRIT - C No. - 2074 of 2025

Petitioner : - Ravi Shankar Shukla

Respondent : - State Of U.P. Thru Secy. Deptt. Of Geology And

Mining Lko And Ors.

Counsel for Petitioner : - Pushpila Bisht, Sukhmani Singh

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(176) **Case :** - WRIT - C No. - 2107 of 2025

Petitioner : - M/S Triveni Engineers And Industries Ltd. (Alco Chemical Unit) Noida Thru Its Authorised Signatory

Respondent : - State Of U.P. Thru Addl. Chief Secy./ Prin.Secy. Deptt. Of Environment Forests And Climate And Ors.

Counsel for Petitioner : - Gaurav Mehrotra, Harsh Vardhan Mehrotra, Maria Fatima

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

(177) **Case :** - WRIT - C No. - 2116 of 2025

Petitioner : - M/S Balaji Ent Udyog Aligarh Thru Proprietor Sachendra Kumar

Respondent : - State Of U.P. Thru Prin.Secy. Forest, Environment And Climate Change Lucknow And Ors.

Counsel for Petitioner : - Prashant Shukla, Priya Pandey, Shashank Kumar

Counsel for Respondent : - C.S.C., Ashok Kumar Verma

Hon'ble Attau Rahman Masoodi J.

Hon'ble Subhash Vidyarthi J.

(Per Subhash Vidyarthi J.)

- (1) Heard Sri Jaideep Narain Mathur, Senior Advocate, assisted by Ms. Aprajita Bansal, Sri. Anilesh Tewari, Ms. Gursimran Kaur, Advocates, Sri Jalaj Kumar Gupta, Sri Mehdi Khan, Sri Mohd. Aslam Khan, Sri Rahul Srivastava, Sri Salil Kumar Srivastava, Sri Sarvesh Kumar, Sri Shivang Tiwari, Sri Mohd. Khalid Amin Khan, Sri Saryu Prasad Tiwari, Sri Ratnesh Dwivedi, Sri Sheeran Mohiuddin Alavi, Ms. Aditi Tripathi, Sri Harsh Vardhan Kediya, Sri Ankur Yadav, Sri Arvind Kumar Shukla, Ms. Smita Chitranshi, Sri Sunny Singh, Sri Kripa Shankar Yadav, Ms. Moni Yadav, Ms. Preeti Yadav, Sri Pawan Kumar Upadhyay, Sri Ram Ji Trivedi, Ms. Shraddha Tripathi, Sri Prashant Shukla, Sri Ashutosh Tiwari, Sri Saryu Prasad Tiwari, Sri Piyush Pathak, Ms. Sumedha Sen, Sri Syed Mehfuzur Rehman, Sri Vikas Vikram Singh, Sri Devesh Chandra Pathak, Sri Amit Dwivedi, Sri Himanshu Kamboj, Sri Vinod Kumar

Mishra, Sri Prashant Shukla, Ms. Priya Pandey, Sri Ajay Pratap Singh, Sri Abhishek Yadav, Dr. Pooja Singh, Sri Surya Prakash Tiwari, Sri Kazim Ibrahim, Ms. Pushipla Bisht, Ms. Sukhmani Singh, Sri Gaurav Mehrotra, Sri Harsh Vardhan Mehtroa, Ms. Maria Fatima and Sri Shashank Kumar, learned counsel appearing for the petitioners in their respective writ petitions, and Sri Ashok Kumar Verma assisted by Sri Tushar Verma, Sri Asit Srivastava & Sri Vaibhav Mishra, learned counsel for U.P. Pollution Control Board, Sri Rishabh Kapoor, learned counsel for the U.P. Jal Nigam, Sri Namit Sharma, learned counsel for Lucknow Municipal Corporation and Sri Akash Sinha, learned Standing Counsel for the State and Sri Asit Srivastava, Sri Chandra Shekhar Pandey, Sri Devesh Chandra Pathak, Sri Rishabh Chauhan, Ms. Ranjana Srivastava, Sri Shivam Srivastava, learned counsel appearing for the contesting respondents.

- (2) All the aforesaid writ petitions have been filed challenging various orders passed by the U.P. Pollution Control Board imposing environmental compensation on the petitioners' industries. Validity of the orders imposing environmental compensation has been challenged in all the writ petitions on a common ground that the U.P. Pollution Control Board does not have the authority to impose environmental compensation and to recover the same from an industry, under any statutory provision.
- (3) As a common question is involved in all the aforesaid writ petitions, all the Writ Petitions are being decided by this common judgment.
- (4) Sri J. N. Mathur, learned Senior Advocate who led submissions on behalf of the petitioners, has submitted that a bare perusal of the provisions contained in the NGT Act and the NGT Rules,

2011 makes it manifest that the legislature has conferred the jurisdiction to adjudicate the claims regarding payment of compensation for causing environmental damage upon the National Green Tribunal, which has been constituted as an expert body. The NGT Act is a complete Code in itself which has been enacted for adjudication of claims relating to compensation for any damage caused to the environment. He has submitted that the functions of the Board are enumerated in Section 17 of the Water (Prevention and Control of Pollution) Act, 1974 (which will hereinafter be referred to as 'the Water Act') and the same do not include performance of any adjudicatory function. The U.P. Pollution Control Board does not have jurisdiction to impose compensation and recover the same; rather, the Board has to file an application to the Tribunal as provided in Section 18 of the NGT Act.

- (5) Shri Gaurav Mehrotra, Advocate assisted by Ms. Maria Fatima, learned Counsel appearing in Writ-C No. 2107 of 2025 has submitted that the jurisdiction can be conferred by Statute alone and it cannot be conferred by any Court or Tribunal, not even by the Hon'ble Supreme Court. He has relied upon the judgments in the case of **Benarsi Silk Palace Vs. Commr. of Income Tax** [1964] 52 ITR 220 (All) and **Chiranjilal Shrilal Goenka v. Jasjit Singh and others**: (1993) 2 SCC 507. He has also relied upon the judgments in the cases of **Jagmittar Sain Bhagat v. Health Services, Haryana**: (2013) 10 SCC 136.
- (6) *Per Contra*, Sri A. K. Verma, the learned Counsel for the U. P. Pollution Control Board has submitted that Section 33-A of the Water Act, 1974 and Section 31-A of the Air (Prevention and Control of Pollution) Act, 1981 (which will hereinafter be referred to as 'the Air Act') empower the Pollution Control Board to issue any direction to any person. It is in exercise of the aforesaid statutory powers that the U.P. Pollution Control

Board has the authority to issue a direction to any person for payment of environmental compensation and to recover the same. He has further submitted that any person aggrieved by such a direction can file an appeal against the direction(s) issued by the U.P. Pollution Control Board before the National Green Tribunal as is provided under Section 33-B of the Water Act and under Section 31-B of the Air Act. He has submitted that Section 16 of the NGT Act also provides that any person aggrieved by and directions issued by a Board under Section 33-A of the Water Act.

- (7) Relying upon the aforesaid provisions of the NGT Act, Sri Verma has submitted that when Section 31-B of the Air Act confers appellate jurisdiction upon the National Green Tribunal in respect of directions issued under Section 31-A of the Air Act; Section 33-B of the Water Act and Section 16 of the NGT Act confer appellate jurisdiction upon the National Green Tribunal in respect of directions issued under Section 33-A of the Water Act, the National Green Tribunal would not have the original jurisdiction to adjudicate upon the subject matter regarding which it has appellate jurisdiction.
- (8) Shri Verma has submitted that the Water Act is a social legislation and it should be given a purposive interpretation. The Board's power under Section 33-A of the Water Act are very wide and unfettered. The Board has the power to award compensation in exercise of the powers conferred by Section 33-A of the Water Act and Section 31-A of the Air Act. The orders passed under Section 33-A of the Water Act or Section 31-A of the Air Act are appealable under Section 16 of the NGT Act.
- (9) The learned Counsel for the State Pollution Control Board has submitted that Section 17 of the Water Act enumerates the

functions of the State Board and sub-Section (1) (l) (ii) of Section 17 provides that the functions of a State Board include requiring any person concerned to construct new systems for the disposal of sewage and trade effluents or to modify, alter or extend any such existing system or to adopt such remedial measures as are necessary to prevent, control or abate water pollution. Sub-Section (1) (o) of Section 17 provides that the functions of the State Board will include to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government.

- (10) Shri Verma has also submitted that Section 18(2) of the NGT Act provides that an application for grant of relief or compensation or settlement of dispute may be made to the Tribunal without prejudice to the provisions contained in Section 16 of the NGT Act. Therefore, the provision regarding filing of an application by the Pollution Control Board contained in Section 18(2)(f) of the NGT Act is without prejudice to the appellate powers of the Tribunal contained in Section 16 of the NGT Act and the appellate power under Section 16 will have a precedence over the provisions contained in Section 18(2). He has also submitted that Section 19 of the NGT Act lays down the procedure and powers of the Tribunal. A cumulative reading of the aforesaid provisions makes it clear that the Pollution Control Board has power to issue directions including the direction for payment of compensation.
- (11) Sri Verma has submitted that 'water pollution' is included in the term 'water' occurring in item - 17 of List - II contained in Schedule 7 appended to the Constitution of India, and therefore, it is a State subject. He has also submitted that the entries occurring in Schedule - 7 should be given the widest interpretation. Sri Verma has drawn our attention to the directive principles of State policy contained in Part IV of the

Constitution of India. Article 48-A provides that the State shall endeavor to protect and improve the environment and to safeguard the forests and wild life of the country. Part IV-A of the Constitution of India enlists fundamental duties and Article 51-A(g) provides that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.

- (12) The learned Counsel for the Board has submitted that the State Authorities have to strike a balance between sustainable development and protection of environment. The State has to ensure that a polluter pays compensation for any damage caused by him to the environment.
- (13) He has further submitted that Chapter VI of the Air Act contains provisions regarding penalties and procedure and it provides that the adjudicating officer may impose penalty. The power to impose penalty under the Air Act vests in the Adjudicating Officer. He has also submitted that in case the industry operates without consent of the Board, it may be prosecuted. However, in case of other violations, penalty can be imposed by the Adjudicating Officer without prosecution.
- (14) Shri Chandra Shekhar Pandey, the learned Counsel appearing for the Central Pollution Board has relied upon the decision in the case of **Paryavaran Suraksha Samiti v. Union of India**: (2017) 5 SCC 326, in which the Hon'ble Supreme Court has granted liberty to private individual(s) and organizations, to address complaints to the Pollution Control Board if any industry is in default. On the receipt of any such complaint, the Pollution Control Board concerned shall be obliged to verify the same and take such action against the defaulting industry, as may be permissible in law. Such action would be in addition to

the discontinuation of industrial activity forthwith. The Pollution Control Boards were also directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters. It is in furtherance of the aforesaid directions that Original Application No. 593/2017, Paryavaran Suraksha Samiti and another v. Union of India and others, was registered before the National Green Tribunal, Principal Bench, New Delhi which is still continuing and directions are issued in the said case from time to time. By means of directions issued by the NGT in the aforesaid case, the Board has been empowered to impose and recover compensation from the defaulting industrial units.

- (15) In **Rylands v. Fletcher**: (1861-73) All ER Rep 1, it was laid down that if a person brings on to his land and collects and keeps there anything likely to do harm and such thing escapes and does damage to another, he is liable to compensate for the damage caused.
- (16) In the year 1986, the Environment (Protection) Act, 1986, (which will hereinafter be referred to as 'the Act of 1986') was enacted on 23.05.1986 to provide for the protection and improvement of environment and for matters connected therewith. Section 3 of the Act of 1986 provides for the powers of the Central Government to take measures to protect and improve environment.
- (17) In the case of **M.C. Mehta and another v. Union of India and others**: (1987) 1 SCC 395 (decided on 20.12.1986), a Constitution Bench consisting of five Hon'ble Judges of the Supreme Court dealt with the question as to what is the measure of liability of an enterprise which is engaged in a hazardous or inherently dangerous industry, if by reason of an accident occurring in such industry, persons die or get injured. The

Hon'ble Supreme Court referred to the rule that was evolved in **Rylands v. Fletcher** (Supra) and held that: -

*“31. ... We have to develop our own law and if we find that it is necessary to construct a new principle of liability to deal with an unusual situation which has arisen and which is likely to arise in future on account of hazardous or inherently dangerous industries which are concomitant to an industrial economy, there is no reason why we should hesitate to evolve such principle of liability merely because it has not been so done in England. ... We would therefore hold that where an enterprise is engaged in a hazardous or inherently dangerous activity and harm results to anyone on account of an accident in the operation of such hazardous or inherently dangerous activity resulting, for example, in escape of toxic gas the enterprise is strictly and absolutely liable to compensate all those who are affected by the accident and such liability is not subject to any of the exceptions which operate vis-a-vis the tortious principle of strict liability under the rule in *Rylands v. Fletcher* (supra).”*

- (18) The Public Liability Insurance Act, 1991 was enacted by the Parliament to provide for public liability insurance for the purpose of providing immediate relief to the persons affected by accidents occurring while handling any hazardous substance and for matters connected therewith or incidental thereto.
- (19) In the year 1995, the National Environment Tribunal Act, 1995, was enacted to provide for strict liability for damages arising out of any accident occurring while handling any hazardous substance and for the establishment of a National Environment Tribunal for effective and expeditious disposal of cases arising from such accident, with a view to giving relief and compensation for damages to persons, property and the environment and for matters connected therewith or incidental thereto.
- (20) In spite of the aforesaid enactments, the National Environment Tribunal was not constituted. Taking cognizance of this situation, in **Vellore Citizens' Welfare Forum v. Union of**

India and others: (1996) 5 SCC 647, the Hon'ble Supreme Court issued the following directions:-

“1. The Central Government shall constitute an authority under Section 3(3) of the Environment (Protection) Act, 1986 and shall confer on the said authority all the powers necessary to deal with the situation created by the tanneries and other polluting industries in the State of Tamil Nadu. The authority shall be headed by a retired judge of the High Court and it may have other members -- preferably with expertise in the field of pollution control and environment protection -- to be appointed by the Central Government. The Central Government shall confer on the said authority the powers to issue directions under Section 5 of the Environment Act and for taking measures with respect to the matters referred to in clauses (v), (vi), (vii), (viii) (ix), (x) and (xii) of sub-Section (2) of Section 3. The Central Government shall constitute the authority before September 30, 1996.

2. The authority so constituted by the Central Government shall implement the “Precautionary Principle” and the “Polluter Pay Principle”. The authority shall, with the help of expert opinion and after giving opportunity to the polluters concerned assess the loss to the ecology/environment in the affected areas and shall also identify the individuals/families who have suffered because of the pollution and shall assess the compensation to be paid to the said individuals/families. The authority shall further determine the compensation to be recovered from the polluters as cost of reversing the damaged environment. The authority shall lay down just and fair procedure for completing the exercise.

3. The authority shall compute the compensation under two heads namely, for reversing the ecology and for payment to individuals. A statement showing the total amount to be recovered, the names of the polluters from whom the amount is to be recovered, the amount to be recovered from each polluter, the persons to whom the compensation is to be paid and the amount payable to each of them shall be forwarded to the Collector/District Magistrate of the area concerned. The Collector/District Magistrate shall recover the amount from the polluters, if necessary, as arrears of land revenue. He shall disburse the compensation awarded by the authority to the affected persons/families.

4. The authority shall direct the closure of the industry owned/managed by a polluter in case he evades or refuse to pay the compensation awarded against him. This shall be in addition to the recovery from him as arrears of land revenue.

5. An industry may have set up the necessary pollution control device at present but it shall be liable to pay for the past pollution generated by the said industry which has resulted in the environmental degradation and suffering to the residents of the area.”

(21) In the year 1997, the National Environment Appellate Authority Act, 1997 was enacted to provide for the establishment of a National Environment Appellate Authority to hear appeals with respect to restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986 and for matters connected therewith or incidental thereto.

(22) The Water Act was been enacted in the year 1974 with the following object:-

“An Act to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water, for the establishment, with a view to carrying out the purposes aforesaid, of Boards for the prevention and control of water pollution, for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith.”

(23) Section 3 of the Water Act provides for constitution of the Central Pollution Control Board, whereas Section 4 of the Act, 1974 provides for constitution of the State Pollution Control Boards.

(24) Chapter IV of the Water Act contains provisions regarding powers and functions of the Board. Section 16 of the Water Act provides for functions of the Central Board, whereas Section 17 provides for the functions of the State Boards. The relevant

provisions of Section 17 of the Water Act are being reproduced here-in-below:-

“17. Functions of State Board.—(1) Subject to the provisions of this Act, the functions of a State Board shall be—

(a) to plan a comprehensive programme for the prevention, control or abatement of pollution of streams and wells in the State and to secure the execution thereof;

(b) to advise the State Government on any matter concerning the prevention, control or abatement of water pollution;

(c) to collect and disseminate information relating to water pollution and the prevention, control or abatement thereof;

(d) to encourage, conduct and participate in investigations and research relating to problems of water pollution and prevention, control or abatement of water pollution;

(e) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of water pollution and to organise mass education programmes relating thereto;

(f) to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by this Act;

(g) to lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters (not being water in an inter-State stream) resulting from the discharge of effluents and to classify waters of the State;

(h) to evolve economical and reliable methods of treatment of sewage and trade effluents, having regard to the peculiar conditions of soils, climate and water resources of different regions and more especially the prevailing flow characteristics of water in streams and wells which render it impossible to attain even the minimum degree of dilution;

(i) to evolve methods of utilisation of sewage and suitable trade effluents in agriculture;

(j) to evolve efficient methods of disposal of sewage and trade effluents on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution;

(k) to lay down standards of treatment of sewage and trade effluents to be discharged into any particular stream taking into account the minimum fair weather dilution available in that stream and the tolerance limits of pollution permissible in the water of the stream, after the discharge of such effluents;

(l) to make, vary or revoke any order—

(i) for the prevention, control or abatement of discharges of waste into streams or wells;

(ii) requiring any person concerned to construct new systems for the disposal of sewage and trade effluents or to modify, alter or extend any such existing system or adopt such remedial measures as are necessary to prevent, control or abate water pollution;

(m) to lay down effluent standards to be complied with by persons while causing discharge of sewage or sullage or both and to lay down, modify or annul effluent standards for the sewage and trade effluents;

(n) to advise the State Government with respect to the location of any industry the carrying on of which is likely to pollute a stream or well;

(o) to perform such other functions as may be prescribed or as may, from time to time, be entrusted to it by the Central Board or the State Government.

(2) The Board may establish or recognise a laboratory or laboratories to enable the Board to perform its functions under this section efficiently, including the analysis of samples of water from any stream or well or of samples of any sewage or trade effluents.”

(25) Section 18(1)(b) of the Water Act provides that in performance of its functions under the Act, every State Board shall be bound

by such directions in writing as the Central Board or the State Government may give to it.

- (26) Section 32 of the Water Act empowers the Board to take emergency measures in the case of pollution of streams or wells or on land and this provision is being quoted below:-

“32. Emergency measures in case of pollution of stream or well.—(1) *Where it appears to the State Board that any poisonous, noxious or polluting matter is present in any stream or well or on land by reason of the discharge of such matter in such stream or well or on such land or has entered into that stream or well due to any accident or other unforeseen act or event, and if the Board is of opinion that it is necessary or expedient to take immediate action, it may for reasons to be recorded in writing, carry out such operations as it may consider necessary for all or any of the following purposes, that is to say,—*

(a) removing that matter from the stream or well or on land and disposing it of in such manner as the Board considers appropriate;

(b) remedying or mitigating any pollution caused by its presence in the stream or well;

(c) issuing orders immediately restraining or prohibiting the person concerned from discharging any poisonous, noxious or polluting matter into the stream or well or on land, or from making insanitary use of the stream or well.

(2) The power conferred by sub-section (1) does not include the power to construct any works other than works of a temporary character which are removed on or before the completion of the operations.”

- (27) Section 33 of the Water Act provides as follows: -

“33. Power of Board to make application to courts for restraining apprehended pollution of water in streams or wells.—(1) *Where it is apprehended by a Board that the water in any stream or well is likely to be polluted by reason of the disposal or likely disposal of any matter in such stream or well or in any sewer or on any land, or otherwise, the Board may make an application to a court, not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of*

the first class, for restraining the person who is likely to cause such pollution from so causing.

(2) On receipt of an application under sub-section (1) the court may make such order as it deems fit. ... ”

(28) There is no provision in the Water Act which confers any power of judicial or quasi-judicial nature on the State Board.

(29) The National Green Tribunal Act, 2010 (which will hereinafter be referred to as ‘the NGT Act’) was enacted on 02.06.2010 with the following object:-

“An Act to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto.”

(30) Thus NGT has been established with the object of effective and expeditious disposal of cases relating to compensation relating to environment. The composition of NGT is provided in Section 4 (1) of the NGT Act which is as follows:-

*“4. **Composition of Tribunal** – (1) The Tribunal shall consist of,–*

(a) a full-time Chairperson;

(b) not less than ten but subject to not maximum of twenty full-time Judicial Members as the Central Government may, from time to time, notify;

(c) not less than ten but subject to maximum twenty full-time Expert Members, as the Central Government may, from time to time, notify.”

(31) The qualifications of Chairperson, Judicial Member and Expert Member are provided in Section 5 of the NGT Act, which is as follows:-

*“5. **Qualifications for appointment of Chairperson, Judicial Member and Expert Member.**—(1) A person shall not be qualified for appointment as the Chairperson or Judicial Member of the Tribunal*

unless he is, or has been, a Judge of the Supreme Court of India or Chief Justice of a High Court:

Provided that a person who is or has been a Judge of the High Court shall also be qualified to be appointed as a Judicial Member.

(2) A person shall not be qualified for appointment as an Expert Member, unless he,—

(a) has a degree in Master of Science (in physical sciences or life sciences) with a Doctorate degree or Master of Engineering or Master of Technology and has an experience of fifteen years in the relevant field including five years practical experience in the field of environment and forests (including pollution control, hazardous substance management, environment impact assessment, climate change management, biological diversity management and forest conservation) in a reputed National level institution; or

(b) has administrative experience of fifteen years including experience of five years in dealing with environmental matters in the Central or a State Government or in a reputed National or State level institution.

(3) The Chairperson, Judicial Member and Expert Member of the Tribunal shall not hold any other office during their tenure as such.

(4) The Chairperson and other Judicial and Expert Members shall not, for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with the management or administration of, any person who has been a party to a proceeding before the Tribunal under this Act:

Provided that nothing contained in this section shall apply to any employment under the Central Government or a State Government or local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956).”

(32) The aforesaid provision makes it manifest that NGT has been constituted as a body of experts.

- (33) Chapter III of the NGT Act deals with jurisdiction, powers and proceedings of the Tribunal. Section 14 of the NGT Act provides that the Tribunal shall have jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment), is involved and such question arises out of the implementation of the enactments specified in Schedule I.
- (34) The phrase “Substantial question relating to environment” is defined in Section 2(m) of the NGT Act as follows:-

“(m) “substantial question relating to environment” shall include an instance where,—

(i) there is a direct violation of a specific statutory environmental obligation by a person by which,—

(A) the community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences; or

(B) the gravity of damage to the environment or property is substantial; or

(C) the damage to public health is broadly measurable;

(ii) the environmental consequences relate to a specific activity or a point source of pollution;”

- (35) Section 15 of the NGT Act provides for relief, compensation and restitution and the relevant parts of this Section read as follows:-

15. Relief, compensation and restitution.—(1) The Tribunal may, by an order, provide,—

(a) relief and compensation to the victims of pollution and other environmental damage arising under the enactments specified in the Schedule I (including accident occurring while handling any hazardous substance);

(b) for restitution of property damaged;

(c) for restitution of the environment for such area or areas, as the Tribunal may think fit.

* * *

(2) The relief and compensation and restitution of property and environment referred to in clauses (a), (b) and (c) of sub-section (1) shall be in addition to the relief paid or payable under the Public Liability Insurance Act, 1991 (6 of 1991).

* * *

(4) The Tribunal may, having regard to the damage to public health, property and environment, divide the compensation or relief payable under separate heads specified in Schedule II so as to provide compensation or relief to the claimants and for restitution of the damaged property or environment, as it may think fit.

* * *

(36) Schedule - I referred to in Sections 14 and 15 of the Act lists the following Acts:-

- 1. The Water (Prevention and Control of Pollution) Act, 1974;*
- 2. The Water (Prevention and Control of Pollution) Cess Act, 1977;*
- 3. The Forest (Conservation) Act, 1980;*
- 4. The Air (Prevention and Control of Pollution) Act, 1981;*
- 5. The Environment (Protection) Act, 1986;*
- 6. The Public Liability Insurance Act, 1991;*
- 7. The Biological Diversity Act, 2002”*

(37) Schedule II referred to in Section 15 of the NGT Act as follows:-

“Heads under which compensation or relief for damage may be claimed

- (a) Death;*
- (b) Permanent, temporary, total or partial disability or other injury or sickness;*
- (c) Loss of wages due to total or partial disability or permanent or temporary disability;*
- (d) Medical expenses incurred for treatment of injuries or sickness;*
- (e) Damages to private property;*
- (f) Expenses incurred by the Government or any local authority in providing relief, aid and rehabilitation to the affected persons;*
- (g) Expenses incurred by the Government for any administrative or legal action or to cope with any harm or damage, including*

compensation for environmental degradation and restoration of the quality of environment;

(h) Loss to the Government or local authority arising out of, or connected with, the activity causing any damage;

(i) Claims on account of any harm, damage or destruction to the fauna including milch and draught animals and aquatic fauna;

(j) Claims on account of any harm, damage or destruction to flora including aquatic flora, crops, vegetables, trees and orchards;

(k) Claims including cost of restoration on account of any harm or damage to environment including pollution of soil, air, water, land and eco-systems;

(l) Loss and destruction of any property other than private property;

(m) Loss of business or employment or both;

(n) Any other claim arising out of, or connected with, any activity of handling of hazardous substance.”

(38) Section 20 of the NGT Act provides that “*The Tribunal shall, while passing any order or decision or award, apply the principles of sustainable development, the precautionary principle and the polluter pays principle.*”

(39) A bare perusal of the aforesaid provisions of the NGT Act makes it manifest that the NGT has been constituted as an expert body and it has been conferred with the jurisdiction over all civil cases where a substantial question relating to environment is involved. Payment of compensation for causing damage to environment is a civil dispute and it involves a substantial question relating to environment. Therefore, the NGT has been conferred with the jurisdiction to decide the cases relating to award of compensation, including the compensation under the Water Act and the Air Act.

(40) Section 18 of the NGT Act provides as follows:-

“18. Application or appeal to Tribunal.—(1) *Each application under Sections 14 and 15 or an appeal under Section 16 shall, be made to the Tribunal in such form, contain such particulars, and,*

be accompanied by such documents and such fees as may be prescribed.

*(2) Without prejudice to the provisions contained in Section 16, **an application for grant of relief or compensation or settlement of dispute may be made to the Tribunal by—***

(a) the person, who has sustained the injury; or

(b) the owner of the property to which the damage has been caused; or

(c) where death has resulted from the environmental damage, by all or any of the legal representatives of the deceased; or

(d) any agent duly authorised by such person or owner of such property or all or any of the legal representatives of the deceased, as the case may be; or

(e) any person aggrieved, including any representative body or organisation; or

*(f) the Central Government or a State Government or a Union Territory Administration or **the Central Pollution Control Board or a State Pollution Control Board** or a Pollution Control Committee or a local authority, or any environmental authority constituted or established under the Environment (Protection) Act, 1986 (29 of 1986) or any other law for the time being in force:*

Provided that...

(3)...”

- (41) Rule 8 of the National Green Tribunal (Practices and Procedure) Rules, 2011 (which will hereinafter be referred to as ‘the NGT Rules, 2011’) contains a specific provision for submission of an application for compensation and it provides as follows:-

*“8. **Procedure for filing application or appeal.**- (1) An application or appeal to the Tribunal under section 18 shall be presented in Form I by the applicant or appellant, as the case may be, in person or by an agent or by a duly authorised legal practitioner, to the Registrar or any other officer authorised in writing by the Registrar to receive the same or be sent by registered post with acknowledgment duly addressed to the Registrar of the Tribunal at and sent to concerned place of sitting:*

*Provided that **where the application is for relief and compensation, it shall be made in Form II.***

* * *

(42) Rule 35 of the NGT Rules, 2011 provides as follows:-

“35. Manner and the purposes for which amount of compensation or relief or restitution credited to Environment Relief Fund shall be utilised.—(1) *The amount by way of compensation or relief to the victim or restitution of property and the environment, ordered by the Tribunal to be paid shall be remitted to the authority, specified under sub-section (3) of Section 7-A of the Public Liability Insurance Act, 1991 (6 of 1991), within a period of thirty days from the date of order or award or as otherwise ordered by the Tribunal.*

(2) *In the case of failure to remit the amount by the concerned person, under sub-rule (1), within the time so specified, the District Collector of the concerned district shall file a complaint, before the court having jurisdiction, under clause (a) of sub-section (1) of Section 30 of the Act.*

(3) *The amount referred to in sub-rule (1), shall be credited to the Environment Relief Fund under Section 24 of the Act for utilisation under any heads specified in Schedule II to the Act.*

(4) *A separate account shall be created and maintained by the authority referred to in sub-rule (1) for the purpose of receiving and disbursement of the amount pursuant to the order or award of the Tribunal.”*

(43) Rule 36 of the NGT Rules, 2011 provides for procedure for disbursement of relief or compensation or restitution of property damaged and this Rule provides as follows:-

“36. Procedure for disbursement of relief or compensation or restitution of property damaged.—(1) *A copy of the award or order or decision of the Tribunal passed under clause (a) or clause (b) of sub-section (1) of Section 15 of the Act shall be transmitted to the authority referred to in sub-rule (1) of Rule 35 and the District Collector having local jurisdiction for disbursement.*

(2) *The authority referred to in sub-rule (1) of Rule 35 shall transfer the amount so deposited in the Environment Relief Fund to the concerned District Collector within a period of thirty days from the date of deposit.*

(3) *The District Collector shall arrange to disburse the amount of compensation or relief and restitution of property damaged within a period of thirty days of the receipt of the amount under sub-rule (2), to the affected persons or victims of pollution or other environmental damages arising under the enactments specified in Schedule I, under the heads specified in Schedule II, to the Act.”*

(44) Thus the NGT Act and the NGT Rules, 2011 contain elaborate provisions for filing of applications for imposition of

compensation and adjudication thereof by the NGT, as per which, the Board can file an application before the NGT for claiming compensation from an industry if it is of the view that the industry is liable to pay compensation and the NGT will adjudicate whether the industry is liable to pay compensation, and if yes, what would be the quantum of compensation. The Board cannot itself pass an order imposing the liability for payment of compensation upon an industry.

- (45) The learned Counsel for the Board has submitted that the Board derives the power to impose and recover compensation from the provisions contained in Section 33-A of the Water Act, 1974 and Section 31-A of the Air Act. Both the Sections were inserted way of by amendment with effect from 01.04.1988 and both the Sections are identically worded, which read as follows:-

“Notwithstanding anything contained in any other law, but subject to the provisions of this Act, and to any directions that the Central Government may give in this behalf, a Board may, in the exercise of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or authority, and such person, officer or authority shall be bound to comply with such directions.

Explanation.—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) the stoppage or regulation of supply of electricity, water or any other service.

- (46) The directions referred to in Section 33-A of the Water Act and Section 31-A of the Air Act refer to directions of administrative nature so as to prevent water pollution or air pollution. The nature of directions that can be passed in exercise of the powers conferred Section 33-A of the Water Act and Section 31-A of the Air Act is explained by the Explanations appended to the Sections, as per which the directions would include the

directions for closure, prohibition or regulation of any industry, operation or process; or the stoppage or regulation of supply of electricity, water or any other service. The directions contemplated in both the aforesaid Sections are preventive or restrictive in nature. Although the Explanations appended to the Sections state that the directions would 'include' the nature of directions mentioned in the Explanations and the examples are not exhaustive, yet the explanation clarifies that the other directions that may be issued under Section 33-A of the Water Act or Section 31-A of the Air Act would be similar in nature to those administrative directions which are mentioned in the Explanations appended to the Sections.

- (47) The power to issue administrative directions for prevention of water pollution or air pollution would not include the power to impose environmental compensation and recover the same. Had this power been already there in the Water Act and the Air Act, the Legislature would have had no occasion to enact the NGT Act conferring specific provision for conferring jurisdiction upon the NGT to impose environmental compensation on erring industries.
- (48) The learned Counsel for the State Pollution Control Board has placed reliance upon a judgment passed by the NGT in **State Pollution Control Board v. Swastik Ispat Pvt. Ltd.**: 2014 SCC OnLine NGT 13, wherein the NGT held that:-

“32. Keeping in view the legislative scheme and the object of the Air Act, it is evident that the Board is not incapacitated to issue a direction which may not be prohibitory or of closure in substance and application, but may be regulatory with an object to ensure that anti-pollution devices and anti-pollution measures are adopted to prevent and control pollution. For this purpose, the Board may require an industry to furnish a bank guarantee which would serve dual purposes. On the one hand, it would provide incentive to an industry to install anti-pollution devices so as to

ensure non-encashment of the bank guarantee, while on the other, in the event of default, resulting in pollution, the Board would be able to spend that money for remedial purposes to control environmental degradation or damage that has taken place as a result of such default. Both these purposes would squarely fall within the framework of law and the powers and functions of the Board. The purpose of requiring a Unit to furnish a bank guarantee is not penal per se. It is compensatory i.e. an amount which would be required to be spent upon rehabilitation and restoration of the environment due to the damage caused to it by default on the part of the Unit. ... The intention of the Legislature to ensure implementation of these facets is further elucidated by the language of Section 31A of the Air Act where the Board can issue directions as afore-mentioned in exercise of its powers and performance of its functions under the Act. Thus, there has to be a direct nexus between the directions contemplated under Section 31A of the Air Act and the powers and functions of the Board as contemplated under Sections 16, 17 and other relevant provisions of the Air Act. Once these Sections are read co-jointly, then it becomes clear that a direction which would ensure compliance of the conditions of the consent order and further the cause of prevention and control of pollution would be a direction permissible under law.”

The NGT held that “Resolution of the Board for imposing a condition upon the industrial plants/units to furnish a bank guarantee as an interregnum for compliance and/or in the nature of compensation cannot be held to be without the authority of law or jurisdiction, in so far as it is not penal or punitive.”

- (49) Sri Verma has also placed reliance upon a judgment of the NGT in **Thandava Co-operative Sugars Ltd. v. Central Pollution Control Board**: 2020 SCC OnLine NGT 1823, wherein the NGT held that:-

“24. In view of Section 3 of the Environment (Protection) Act, 1986, Central Pollution Control Board has a duty to make measures to protect and improve environment and certain aspects have been provided as to how they have to be dealt with. Sub-clause (xiv) of sub-section (2) of Section 3 the Environment (Protection) Act, 1986 gives power to give further direction for the purpose of effective implementation of the provisions of this Act. Sub-

section (3) of Section 3 of the Environment (Protection) Act, 1986 authorises the Central Government to constitute an ‘appropriate authority’ to take measures, as provided under sub-section (2) of Section 3. That was how Central Pollution Control Board has been constituted for the purpose of effective implementation of the Environment (Protection) Act, 1986 to take all measures to abate pollution that is likely to be caused on account of operation of industrial units due to their non-compliance of the directions issued or conditions imposed in the consent granted. Further, the Apex Court, in several cases, have come to the conclusion that unless the violators are directed to pay compensation for causing pollution by applying the ‘polluter pays’ principle, no purpose will be served and evolved the doctrine of ‘polluter pays’ to realise environmental compensation from the erring units and directed the regulating authorities to take steps to implement the order and realise environmental compensation and utilise that amount for restoration of damage caused to environment.

* * *

27. So the submission made by learned counsel for appellant that Central Pollution Control Board has no power to impose environmental compensation is without any substance and the same is liable to be rejected....”

- (50) The same passage finds place in paragraphs 45 to 48 of the judgment passed by the NGT in the case of **Nutra Specialities (P) Ltd. v. Member Secretary, Central Pollution Control Board**: 2020 SCC OnLine NGT 1572.
- (51) Regarding the binding effect of a judgment passed by the NGT, it would be appropriate to refer to the judgment of this Court in **Dan Bahadur Yadav v. Bank of Baroda**: 2025 SCC OnLine All 600, wherein this Court has held that *“The Tribunals have to follow the law laid down by the Hon’ble Supreme Court and the High Court within whose superintendence they function, but they do not have the power to lay down law.”*
- (52) The learned Counsel for the Board could not place any law under which the observations made by the NGT in its

judgments interpreting a statutory provision may be binding on a Constitutional Court.

- (53) Further, none of the aforesaid judgments of NGT cited by the learned Counsel for the Board take into consideration the provisions of Section 15 of the NGT Act, which specifically confers the jurisdiction to adjudicate upon the claims for imposition of environmental compensation upon the NGT.
- (54) In **Delhi Pollution Control Committee v. Splendor Landbase Ltd.**: 2012 SCC OnLine Del 400, a Division Bench of Delhi High Court held that:-

“37. ...that the power to issue directions under Section 33A of the Water Act and the power to issue directions under Section 31A of the Air Act, on their plain language, does not confer the power to levy any penalty. We would further highlight that under Chapter VII of the Water Act, and under Chapter VI of the Air Act penalties and procedure to levy the same have been set out. A perusal of the provisions under the Water Act would reveal that penalties can be levied as per procedure prescribed and only Courts can take cognizance of offences under the Act and levy penalties, whether by way of imprisonment or fine. Similar is the position under the Air Act. The legislature having enacted specific provisions for levy of penalties and procedures to be followed has specifically made the offences cognizable by Courts and the power to levy penalties under both Acts has been vested in the Courts. The role of the Pollution Control Boards is to initiate proceedings before the Court of Competent Jurisdiction and no more.”

- (55) We find ourselves in complete agreement with the aforesaid view of the Delhi High Court.
- (56) Section 33-B of the Water Act and under Section 31-B of the Air Act contain provisions for filing appeals before the NGT, which provisions are being reproduced below:-

“33-B. Appeal to National Green Tribunal.—Any person aggrieved by,—

(a) an order or decision of the appellate authority under Section 28, made on or after the commencement of the National Green Tribunal Act, 2010; or

(b) an order passed by the State Government under Section 29, on or after the commencement of the National Green Tribunal Act, 2010; or

(c) directions issued under Section 33-A by a Board, on or after the commencement of the National Green Tribunal Act, 2010,

may file an appeal to the National Green Tribunal established under Section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.

* * *

31-B. Appeal to National Green Tribunal.—*Any person aggrieved by an order or decision of the Appellate Authority under Section 31, made on or after the commencement of the National Green Tribunal Act, 2010, may file an appeal to the National Green Tribunal established under Section 3 of the National Green Tribunal Act, 2010, in accordance with the provisions of that Act.”*

- (57) Section 16 of the NGT Act provides for filing of appeals against the directions issued under Section 33-A of the Water Act and the relevant part of Section 16 of the NGT Act is being quoted below:-

“16. Tribunal to have appellate jurisdiction.—*Any person aggrieved by,—*

* * *

(c) directions issued, on or after the commencement of the National Green Tribunal Act, 2010, by a Board, under Section 33-A of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974);

* * *

may, within a period of thirty days from the date on which the order or decision or direction or determination is communicated to him, prefer an appeal to the Tribunal:

* * *

- (58) Relying upon the aforesaid provisions of the NGT Act, Sri Verma has submitted that when Section 31-B of the Air Act confers appellate jurisdiction upon the NGT in respect of directions issued under Section 31-A of the Air Act; Section 33-B of the Water Act and Section 16 of the NGT Act confer appellate jurisdiction upon the NGT in respect of directions

issued under Section 33-A of the Water Act, the NGT would not have the original jurisdiction to adjudicate upon the subject matter regarding which it has appellate jurisdiction. We find no force in this submission, as we have already held that Section 33-B of the Water Act and Section 31-A of the Air Act confer power upon the Board to issue directions of administrative nature and it does not confer any adjudicatory power on the Board, which power vests in the NGT only.

- (59) Sri Verma has also submitted that Section 18(2) of the NGT Act provides that an application for grant of relief or compensation or settlement of dispute may be made to the NGT without prejudice to the provisions contained in Section 16 of the Act, 2010. Therefore, the provision regarding filing of an application by the Pollution Control Board contained in Section 18(2)(f) of the NGT Act is without prejudice to the appellate powers of the Tribunal contained in Section 16 of the NGT Act and the appellate power under Section 16 will have a precedence over the provisions contained in Section 18(2). This submission also has no force, as we have already held that Section 33-B of the Water Act and Section 31-A of the Air Act confer power upon the Board to issue directions of administrative nature and it does not confer any adjudicatory power on the Board, which power vests in the NGT only.
- (60) The learned counsel for the Board has drawn the attention of this Court to the provisions contained in Article 21 of the Constitution of India which provides that “No person shall be deprived of his life or personal liberty except according to procedure established by law.” He has submitted that the protection of environment and ecological balance is included in the Fundamental Right to life. There can be no dispute against this proposition, but it would not lead to the proposition that the Board has the power to impose environmental compensation

without taking recourse to the process of filing an application under Section 15 read with Section 18 of the NGT Act before the NGT.

- (61) Sri Verma has submitted that 'water pollution' is included in the term 'water' occurring in item - 17 of List - II contained in Schedule 7 appended to the Constitution of India, and therefore, it is a State subject. We do not find it necessary to go into the question whether the term 'water' occurring in item - 17 of List - II contained in Schedule 7 appended to the Constitution of India would include 'water pollution' or not, as in any case, the entries merely provide that the State would have the authority to enact a law on the subject. In the present case, the State has not enacted any such law as may empower the State Pollution Control to impose and recover environmental compensation from any industry.
- (62) Sri Verma has drawn our attention to the directive principles of State policy contained in Part IV of the Constitution of India. Article 48-A provides that the State shall endeavor to protect and improve the environment and to safeguard the forests and wild life of the country. Part IV-A of the Constitution of India enlists fundamental duties and Article 51-A(g) provides that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures. He has submitted that the State Authorities have to strike a balance between sustainable development and protection of environment. The State has to ensure that a polluter pays compensation for any damage caused by him to the environment. However, these submissions do not justify the exercise of an adjudicatory power by the Pollution Control Board, which power has been conferred upon the NGT by the

Statute, i.e. NGT Act and no statute has conferred such a power on the Pollution Control Board.

- (63) The learned Counsel for the State Pollution Control Board has also submitted that Chapter VI of the Air Act contains provisions regarding penalties and procedure and it provides that the adjudicating officer may impose penalty. The power to impose penalty under the Air Act vests in the Adjudicating Officer. He has also submitted that in case any industry operates without consent of the Board, it may be prosecuted. However, in the case of other violations, penalty can be imposed by the Adjudicating Officer without prosecution.
- (64) Chapter VI of the Air Act contains Sections 37 to 46. Section 37 (1) of the Air Act provides that “*Whoever contravenes or does not comply with the provisions of Section 22 or directions issued under Section 31-A, shall, in respect of each such contravention, be liable to penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.*”
- (65) Section 28 of the Air Act provides for penalties for the following specific acts: -
- “(a) *destroys, pulls down, removes, injures or defaces any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board;*
 - (b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act;*
 - (c) damages any works or property belonging to the Board;*
 - (d) fails to furnish to the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purposes of this Act;*
 - (e) fails to intimate the occurrence of the emission of air pollutants into the atmosphere in excess of the standards laid down by the State Board or the apprehension of such occurrence, to the State Board*

and other prescribed authorities or agencies as required under sub-section (1) of Section 23;

(f) fails in giving any information which he is required to give under this Act, makes a statement which is false in any material particular, shall be liable to penalty which shall not be less than ten thousand rupees, but which may extend to fifteen lakh rupees.”

(66) Section 38-A of the Air Act contains provisions for penalty for contravention by Government Departments. Section 39 deals with Penalties for contravention of certain provisions of the Act.

(67) Section 39-A of the Act provides as follows: -

“39-A. Adjudicating officer.—(1) The Central Government, for the purposes of determining the penalties under Sections 37, 38, 38-A and Section 39, shall appoint an officer not below the rank of Joint Secretary to the Government of India or a Secretary to the State Government to be the adjudicating officer, to hold an inquiry and to impose the penalty in the manner, as may be prescribed:

Provided that the Central Government may appoint as many adjudicating officers as may be required.

(2) The adjudicating officer may summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of the adjudicating officer, may be useful for or relevant to the subject-matter of the inquiry and if, on such inquiry, he is satisfied that the person concerned has contravened the provisions of this Act, he may determine such penalty as he thinks fit under the provisions of Sections 37, 38, 38-A or 39, as the case may be:

Provided that no such penalty shall be imposed without giving the person concerned a reasonable opportunity of being heard.

(3) The amount of penalty imposed under the provisions of Sections 37, 38, 38-A and 39, shall be in addition to the liability to pay relief or compensation under Section 15 read with Section 17 of the National Green Tribunal Act, 2010 (19 of 2010).”

(68) Thus it is clear that the Adjudicating Officer has the statutory power to adjudicate the penalty to be imposed in accordance

with the statutory provisions. However, the statute does not confer any adjudicatory power on the Pollution Control Board. Therefore, the adjudicatory powers of the Adjudicating Officer are not relevant for deciding whether the Pollution Control Board has any adjudicatory powers.

- (69) Now we proceed to consider the decision in the case of **Paryavaran Suraksha Samiti v. Union of India**: (2017) 5 SCC 326, in which the Hon'ble Supreme Court has granted liberty to private individual(s) and organizations, to address complaints to the Pollution Control Board if any industry is in default. On the receipt of any such complaint, **the Pollution Control Board concerned shall be obliged to verify the same and take such action against the defaulting industry, as may be permissible in law**. Such action would be in addition to the discontinuation of industrial activity forthwith. The Hon'ble Supreme Court further provided that the concerned Benches of the National Green Tribunal will maintain running and numbered case files, by dividing the jurisdictional area into units to supervise the complaints of non-implementation of the directions issued by the Hon'ble Supreme Court and the cases will be listed periodically. The Pollution Control Boards were also directed to initiate such civil or criminal action, as may be permissible in law, against all or any of the defaulters. Liberty was granted to private individuals, and organizations, to approach the Bench concerned of the jurisdictional National Green Tribunal, for appropriate orders, by pointing out deficiencies, in implementation of the above directions issued by the Hon'ble Supreme Court. It is in furtherance of the aforesaid directions that Original Application No. 593/2017, Paryavaran Suraksha Samiti and another v. Union of India and others, was registered before the National Green Tribunal,

Principal Bench, New Delhi which is still continuing and directions are issued in the said case from time to time.

(70) When the Hon'ble Supreme Court has directed in **Paryavaran Suraksha Samiti** (Supra) that private individual(s) and organizations, can submit complaints to the Pollution Control Board if any industry is in default and on receipt of any such complaint, the Pollution Control Board concerned shall be obliged to verify the same and take such action against the defaulting industry, as may be permissible in law, the Pollution Control Board can only take action as is permissible in law, which is to issue preventive directions contemplated by Section 33-B of the Water Act and Section 31-A of the Air Act and filing an application for compensation before the NGT under Section 15 read with Section 18 of the NGT Act. Passing an order by the Board imposing the liability for payment of compensation from the industry is not permissible in law and in **Paryavaran Suraksha Samiti** (Supra), the Hon'ble Supreme Court has not directed the Board to pass any order which is not permissible in law.

(71) On 31.08.2018, the National Green Tribunal has issued the following directions in the aforesaid case:-

“(i) We direct the Central Pollution Control Board (CPCB) to forthwith prepare an action plan after looking into all the status reports. The action plans must have mechanism to ensure compliance or all the directions in the order of the Hon'ble Supreme Court. To enable this to be done, a Nodal officer must be identified to deal with the issue of CETPs/ ETPs/STPs.

(ii) A representative of the Ministry of Environment, Forest and Climate Change may be associated with the Nodal Officer of the CETP for monitoring. The Monitoring by the said two officers- the representative of the MoEF and the Nodal Officer of the CPCB must be held atleast once in a month and on the basis of such meeting and the feedback taken further follow up action must be taken and appropriate directions issued. This process may be a continuous process.

(iii) It must be ensured that STPs, CETPs and ETPs are functional and meet the requisite standards.

(iv) There is already a direction in the above judgment under which 50% of the funds for the purpose are to be provided by the Central Government, 25% by the States and remaining 25% to be arranged by way of loans which is to be re-paid by the user industries. Local bodies and the States have duties as clearly stipulated in the judgment. There has to be online monitoring system by each State to display emission levels in public domain in terms of paragraph 17 of the order of the Hon'ble Supreme Court.

(v) A report of the steps taken may be placed on the website of the Central Pollution Control Board atleast once in three months. Deficiencies if any may also be so displayed.

(vi) The Central Pollution Control Board may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs Central Pollution Control Board may also assess and recover compensation for damage to the environment and the said fund be kept in a separate account and utilized in terms of an action plan for protection of the environment. Such action plan may be prepared by the Central Pollution Control Board within three months from today.

(vii) A compliance report in terms of the above order may be furnished to this Tribunal within four months from today by e-mail at filing.ngt@gmail.com."

- (72) Again in the order dated 28.08.2019 passed by the NGT in the case of **Paryavaran Suraksha Samiti** (Supra), the NGT referred to two reports - first report dated 30.05.2019 updated on 19.07.2019 prepared by the Central Pollution Control Board regarding status of setting up of ETPs/CETPs/STPs and methodology for assessing environmental compensation for discharge of pollutants in water bodies and other report dated 14.08.2019 with regard to monitoring of CETPs. Extracts of the report on the scale of environmental compensation were quoted in para 14 of the order passed by the National Green Tribunal which is as follows:-

"1. Report dated 30.05.2019 updated on 19.07.2019

13. According to updated report dated 19.07.2019, out of 62,897 number of industries requiring ETPs, 60,944 industries are operating with functional ETPs and 1949 industries are operating without ETPs. 59,258 industries are complying with environmental standards and 1,524 industries are noncomplying. There are total 192 CETPs, out of which 133 CETPs are complying with environmental standards and 59 CETPs are non-complying. There are total 13,709 STPs (Municipal and other than municipal), out of which, 13,113 STPs are complying with environmental standards and 637 STPs are non-complying. 73 CETPs in construction/proposal stage, whereas, for STPs, 1164 projects (municipal and non-municipal) are under construction/proposal stage.

14. A report has also been prepared on the scale of environmental compensation to be recovered from individual/authorities for causing pollution or failure for preventing causing pollution, apart from illegal extraction of ground water, failure to implement Solid waste Management Rules, damage to environment by mining and steps taken to explore preparation of an annual environmental plan for the country. Extracts from the report which are considered significant for this order are:

“I. Environment Compensation to be levied on Industrial Units

Recommendations

The Committee made following recommendations:

To begin with, Environmental Compensation may be levied by CPCB only when CPCB has issued the directions under the Environment (Protection) Act, 1986. In case of a, band c, Environmental Compensation may be calculated based on the formula “ $EC = Pl \times N \times Rx S \times LF$ ”, wherein, Pl may be taken as 80, 50 and 30 for red., orange and green category of industries, respectively, and R may be taken as 250. Sand LF may be taken as prescribed in the preceding paragraphs

1.5.2 In case of d, e and f, the Environmental Compensation may be levied based on the detailed investigations by Expert Institutions/Organizations.

1.5.3. The Hon’ble Supreme Court in its order dated 22.02.2017 in the matter of Paryavaran Suraksha Samiti and another v/s Union of India and others {Writ Petition {Civil) No. 375 of 2012), directed that all running industrial units which require “consent to operate” from concerned State Pollution Control Board, have a primary effluent treatment plant in place. Therefore, no industry requiring ETP, shall be allowed to operate without ETP.

1.5.4 EC is not a substitute for taking actions under EP Act, Water Act or Air Act. In fact, units found polluting should be closed/prosecuted as per the Acts and Rules.

II. Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in NCR.

Table No. 2.1: Environmental Compensation to be levied on all violations of Graded Response Action Plan (GRAP) in Delhi-NCR.

Activity	State Of Air Quality	Environmental Compensation ()
<i>Industrial Emissions</i>	SEVERE +/EMERGENCY	RS 1.0 CRORE
	SEVERE	RS 50 LAKH
	VERY POOR	RS 25 LAKH
	MODERATE TO POOR	RS 10 LAKH
Vapour Recovery System (VRS) at Outlets of Oil Companies		
i. Not installed	TARGET DATE	RS 1.0 CRORE
ii. Non functional	VERY POOR TO SEVERE +	RS 50.0 LAKH
	MODERATE TO POOR	RS 25.0 LAKH
Construction sites (Offending plot more than 20,000 Sq.m.)	SEVERE +/EMERGENCY	RS 1.0 CRORE
	SEVERE	RS 50 LAKH
	VERY POOR	RS 25 LAKH
	MODERATE TO POOR	RS 10 LAKH
Solid waste/ garbage dumping in Industrial Estates	VERY POOR TO SEVERE +	RS 25.0 LAKH
	MODERATE TO POOR	RS 10.0 LAKH
Failure to water sprinkling on unpaved roads		
a) Hot-spots	VERY POOR TO SEVERE +	RS 25.0 LAKH
b) Other than Hot-spots	VERY POOR TO SEVERE +	RS 10.0 LAKH

III. Environmental Compensation to be levied in case of failure of preventing the pollutants being discharged in water bodies and failure to implement waste management rules:

Table No. 3.3: Minimum and Maximum EC to be levied for untreated/partially treated sewage discharge

<i>Class of the City/Town</i>	<i>Mega-City</i>	<i>Million-plus City</i>	<i>Class-I City/Town and others</i>
<i>Minimum and Maximum values of EC (Total Capital Cost Component) recommended by the Committee (Lacs Rs.)</i>	<i>MIN. 2000</i> <i>MAX. 20000</i>	<i>MIN. 1000</i> <i>MAX. 10000</i>	<i>MIN. 100</i> <i>MAX. 1000</i>
<i>Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)</i>	<i>MIN. 2</i> <i>MAX. 20</i>	<i>MIN. 1</i> <i>MAX. 10</i>	<i>MIN. 0.5</i> <i>MAX. 5</i>

Table No. 3.4: Minimum and Maximum EC to be levied for improper municipal solid waste management

<i>Class of the City/Town</i>	<i>Mega-City</i>	<i>Million-plus City</i>	<i>Class-I City/Town and others</i>
<i>Minimum and Maximum values of EC (Capital Cost Component) recommended by the Committee (Lacs Rs.)</i>	<i>MIN. 1000</i> <i>MAX. 10000</i>	<i>MIN. 500</i> <i>MAX. 5000</i>	<i>MIN. 100</i> <i>MAX. 1000</i>
<i>Minimum and Maximum values of EC (O&M Cost Component) recommended by the Committee (Lacs Rs./day)</i>	<i>MIN. 1.0</i> <i>MAX. 10.0</i>	<i>MIN. 0.5</i> <i>MAX. 5.0</i>	<i>MIN. 0.1</i> <i>MAX. 1.0</i>

3.3 Environment Compensation for Discharge of Untreated/Partially Treated Sewage by Concerned Individual/Authority:

** * **

(73) After referring to the aforesaid reports, the National Green Tribunal issued the following directions:-

“(i) The Environmental compensation regime fixed for industrial units, GRAP, solid waste, sewage and ground water in the report dated 30.05.2019 is accepted and the same may be acted upon as an interim measure.

(ii) SPCBs/PCCs may ensure remedial action against noncompliant CETPs or individual industries in terms of not having ETPs/fully compliant ETPs or operating without consent or in violation of consent conditions.

This may be overseen by the CPCB. CPCB may continue to compile information on this subject and furnish quarterly reports to this Tribunal which may also be uploaded on its website.

(iii) All the Local Bodies and or the concerned departments of the State Government have to ensure 100% treatment of the generated sewage and in default to pay compensation which is to be recovered by the States/UTs, with effect from 01.04.2020. In default of such collection, the States/UTs are liable to pay such compensation. The CPCB is to collect the same and utilize for restoration of the environment.

(iv) The CPCB needs to collate the available data base with regard to ETPs, CETPs, STPs, MSW facilities, Legacy Waste sites and prepare a river basinwise macro picture in terms of gaps and needed interventions.

(v) The Chief Secretaries of all the States/UTs may furnish their respective compliance reports on this subject also in O.A. No. 606/2018.”

- (74) Shri Verma has submitted that the Pollution Control Board is levying environmental compensation in accordance with the aforesaid directions issued by the National Green Tribunal.
- (75) We are unable to accept the aforesaid submission of Sri. Verma, as the directions issued by the NGT do not contain any direction to the State Pollution Control Board to recover compensation. Secondly, adjudication of the liability for payment of compensation is a statutory function and the statute has conferred this adjudicatory power on the NGT. When the Statute has not conferred this power upon the State Pollution Control Board, this power cannot be conferred on the State Board by the NGT.
- (76) In **Benarsi Silk Palace Vs. Commr. of Income Tax** [1964] 52 ITR 220 (All), this Court has held that:-

“Jurisdiction could be conferred only by statute and not by consent and acquiescence. Since jurisdiction is conferred upon Income Tax Officer to proceed under Section 34 (1) only if he issues a notice an assessee cannot confer jurisdiction upon him by waiving the

requirement of a notice because jurisdiction cannot be conferred by consent or acquiescence.”

- (77) In **Chiranjilal Shrilal Goenka v. Jasjit Singh and others:** (1993) 2 SCC 507, the Hon’ble Supreme Court has observed as under:-

*“17. ...In A.R. Antulay v. R.S. Nayak [(1988) 2 SCC 602] when a Constitution Bench directed the High Court Judge to try the offences under the Prevention of Corruption Act with which the petitioner therein was charged and the trial was being proceeded with, he questioned by way of writ petition the jurisdiction of this Court to give such a direction. A Bench of seven judges per majority construed the meaning of the word ‘jurisdiction’. Mukharji, J. as he then was, speaking per himself, Oza and Natarajan, JJ. held that **the power to create or enlarge jurisdiction is legislative in character. So also the power to confer a right of appeal or to take away a right of appeal. The Parliament alone can do it by law and no court, whether superior or inferior or both combined, can enlarge the jurisdiction of a court and divest a person of his rights of appeal or revision. Ranganath Mishra, J. as he then was, held that jurisdiction comes solely from the law of the land and cannot be exercised otherwise. In this country, jurisdiction can be exercised only when provided for either in the Constitution or in the laws made by the legislature. Jurisdiction is thus the authority or power of the court to deal with a matter and make an order carrying binding force in the facts. Oza, J. supplementing the question held that the jurisdiction to try a case could only be conferred by law enacted by the legislature. The Supreme Court could not confer jurisdiction if it does not exist in law. Ray, J. held that the Court cannot confer a jurisdiction on itself which is not provided in the law. In the dissenting opinion Venkatachaliah, J., as he then was, lay down that the expression jurisdiction or prior determination is a “verbal coat of many colours”. In the case of a tribunal, an error of law might become not merely an error in jurisdiction but might partake of the character of an error of jurisdiction. But, otherwise, jurisdiction is a “legal shelter’ and a power to bind despite a possible error in the decision. The existence of jurisdiction does not depend on the correctness of its exercise. The authority to decide embodies a privilege to bind despite error, a privilege which is inherent in and indispensable to every judicial function. The characteristic attribute of a judicial act is that it binds whether it be right or it be wrong. Thus this Court laid***

*down as an authoritative proposition of law that **the jurisdiction could be conferred by statute and this Court cannot confer jurisdiction or an authority on a tribunal.** In that case this Court held that Constitution Bench has no power to give direction contrary to Criminal Law Amendment Act, 1952. The direction per majority was held to be void.”*

- (78) In **Jagmittar Sain Bhagat v. Health Services, Haryana:** (2013) 10 SCC 136, it was held that:-

*“9. Indisputably, it is a settled legal proposition that **conferment of jurisdiction is a legislative function and it can neither be conferred with the consent of the parties nor by a superior court,** and if the court passes a decree having no jurisdiction over the matter, it would amount to nullity as the matter goes to the root of the cause. Such an issue can be raised at any stage of the proceedings. The finding of a court or tribunal becomes irrelevant and unenforceable/inexecutable once the forum is found to have no jurisdiction. Similarly, if a court/tribunal inherently lacks jurisdiction, acquiescence of party equally should not be permitted to perpetrate and perpetuate defeating of the legislative animation. **The court cannot derive jurisdiction apart from the statute.** In such eventuality the doctrine of waiver also does not apply. (Vide *United Commercial Bank Ltd v. Workmen* [1951 SCC 364], *Nai Bahu v. Lala Ramnarayan* [(1978) 1 SCC 58], *Natraj Studios (P) Ltd. v. Navrang Studios* [(1981) 1 SCC 523] and *Kondiba Dagadu Kadam v. Savitribai Sopan Gujar* [(1999) 3 SCC 722].)”*

- (79) In **Kantha Vibhag Yuva Koli Samaj Parivartan Trust v. State of Gujarat:** (2023) 13 SCC 525, the Hon’ble Supreme Court held that:-

*“18. Section 14 and Section 15 entrust adjudicatory functions to NGT. NGT is a specialised body comprising of judicial and expert members. Judicial members bring to bear their experience in adjudicating cases. On the other hand, expert members bring into the decision-making process scientific knowledge on issues concerning the environment. In *Hanuman Laxman Aroskar v. Union of India* [(2019) 15 SCC 401], a two-Judge Bench of this Court noted that NGT is an expert adjudicatory body on the environment.*

19. The Court held :

“133. The NGT Act provides for the constitution of a tribunal consisting both of judicial and expert members. The mix of judicial and technical

members envisaged by the statute is for the reason that the Tribunal is called upon to consider questions which involve the application and assessment of science and its interface with the environment. ...

134. NGT is an expert adjudicatory body on the environment.”

NGT does not have a dearth of “expertise” when it comes to the issues of environment.

20. *Section 15 empowers NGT to award compensation to the victims of pollution and for environmental damage, to provide for restitution of property which has been damaged and for the restitution of the environment. NGT cannot abdicate its jurisdiction by entrusting these core adjudicatory functions to administrative Expert Committees. Expert Committees may be appointed to assist NGT in the performance of its task and as an adjunct to its fact-finding role. But adjudication under the statute is entrusted to NGT and cannot be delegated to the administrative authorities. Adjudicatory functions assigned to the courts and tribunals cannot be hived off to administrative committees. In Sanghar Zuber Ismai v. Union of India [(2021) 17 SCC 827], a three-Judge Bench of this Court noted that NGT cannot refuse to hear a challenge to an environmental clearance under Section 16(h) of the NGT Act and delegate the process of adjudicating on compliance to an Expert Committee.*

21. *The Court held :*

“7. ... NGT has not dealt with the substantive grounds of challenge in the exercise of its appellate jurisdiction. Constitution of an Expert Committee does not absolve NGT of its duty to adjudicate. The adjudicatory function of NGT cannot be assigned to committees, even Expert Committees. The decision has to be that of NGT. NGT has been constituted as an expert adjudicatory authority under an Act of Parliament. The discharge of its functions cannot be obviated by tasking committees to carry out a function which vests in the tribunal.”

22. *NGT has in the present case abdicated its jurisdiction and entrusted judicial functions to an administrative Expert Committee. An Expert Committee may be able to assist NGT, for instance, by carrying out a fact-finding exercise, but the adjudication has to be by NGT. This is not a delegable function....”*

(80) After the aforesaid pronouncement of law made by the Hon’ble Supreme Court, there is no scope to doubt that the adjudicatory duties for ascertaining the liability for payment of

environmental compensation under Section 15 of the NGT Act have to be performed by the NGT alone and the NGT cannot delegate this duty to the State Pollution Control Board.

- (81) Sri Verma has provided a compilation of containing photocopies of 13 judgments running into 396 pages, but he has not referred to any of those judgments in his submissions and the compilation does not have any brief note or index which mentions the ratio or the relevant portion of the judgment. Therefore, we are not referring to those judgments. No other point was pressed before us.
- (82) In view of the foregoing discussion, we hold that the State Pollution Control Board has no power to impose environmental compensation upon any person or Industry and it can merely file an application before the NGT under Section 15 read with Section 18 of the NGT Act for issuance of a direction to the person concerned for payment of compensation.
- (83) Accordingly, all the Writ Petitions are **allowed**. All the orders passed by the State Pollution Control Board imposing environmental compensation upon the petitioners, which are under challenge in the Writ Petitions, are quashed. The State Pollution Control Board will be at liberty to file applications before the NGT for award of compensation. Costs made easy.
- (84) Before parting, it is worthwhile to put on record that Entry 6 and 17 of List II of Seventh Schedule of the Constitution of India give exclusive right to the State Legislature to frame laws with respect to the Water Pollution. However, Article 252 of the Constitution of India provides as under:-

“252. Power of Parliament to legislate for two or more States by consent and adoption of such legislation by any other State

(1) If it appears to the Legislatures of two or more States to be desirable that any of the matters with respect to which Parliament has no power to make laws for the States except as provided in articles 249 and 250 should be regulated in such States by Parliament by law, and if resolutions to that effect are passed by all the Houses of the Legislatures of those States, it shall be lawful for Parliament to pass an Act for regulating that matter accordingly, and any Act so passed shall apply to such States and to any other State by which it is adopted afterwards by resolution passed in that behalf by the House or, where there are two Houses, by each of the Houses of the Legislature of that State.

(2) Any Act so passed by Parliament may be amended or repealed by an Act of Parliament passed or adopted in like manner but shall not, as respects any State to which it applies, be amended or repealed by an Act of the Legislature of that State.”

- (85) It appears that in pursuance of Article 252 (1) of the Constitution of India, the Legislatures of the State of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal have passed a resolution that the Parliament may make a law regulating Water Pollution in their States and accordingly, the Parliament enacted the Water (Prevention and Control of Pollution) Act, 1974.
- (86) There does not appear to be anything on record to indicate that the House of Legislature of the State of Uttar Pradesh has passed or adopted any resolution in the above perspective.
- (87) Insofar as National Capital Region (NCR) is concerned, the Parliament has recently promulgated a legislation on The Commission for Air Quality Management in National Capital Region and Adjoining Areas Act, 2021 which ousts or dilutes the jurisdiction of National Green Tribunal (NGT) to the extent

of areas governed under this Act. Thus, a situation of overlapping with respect to the redressal mechanism has crept in which requires a clarification and guidance.

- (88) We hope and trust that the laws regulating Pollution Control are streamlined and made effective by rectifying the legislative or executive lapses, if any.

(Subhash Vidyarthi, J.) (Attai Rahman Masoodi, J.)

Order Date: 17.07.2025

Lakshman/-



क्षेत्रीय कार्यालय उ. प्र. प्रदूषण नियंत्रण बोर्ड
Regional Office, U.P. Pollution Control Board

संदर्भ सं०

Ref. No. 113/OA-99/25

दिनांक 22.05.2025

Date.....20

सेवा में,

जिला खान अधिकारी,
झांसी।

विषय : माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली में विचाराधीन ओ०ए० संख्या-99/2025 (आई०ए० नं०-149/2025) सोवरन सिंह बनाम स्टेट ऑफ उ०प्र० एवं अन्य में पारित आदेश दि०-05.05.2025 के अनुपालन के सम्बन्ध में।

महोदय,

कृपया उपरोक्त विषयक संदर्भ ग्रहण करने का कष्ट करें। अवगत कराना है कि मा० राष्ट्रीय हरित अधिकरण नई दिल्ली में विचाराधीन ओ०ए० संख्या-99/2025 (आई०ए० नं०-149/2025) सोवरन सिंह बनाम स्टेट ऑफ उ०प्र० एवं अन्य में पारित आदेश दिनांक-05.05.2025 के सुसंगत अंश निम्नवत् है:-

“.....He has further referred to that inspite of the fact that there is no EC in favour of Respondent No. 7, Chandrapal Singh, yet Respondent No. 7 has indulged in illegal mining and the Directorate of Geology and Mining, Uttar Pradesh has issued e-Ravannas dated 28.02.2025 and 17.04.2025 on page 140 and 141. He submits that the Respondent No. 7 is illegally carrying out the mining inspite of the order of the Tribunal and the decision of the SEIAA, UP.....”

उक्त वाद में आवेदनकर्ता द्वारा पर्यावरणीय स्वीकृति प्राप्त न होने, खनन पट्टा अस्वीकृत किये जाने के कारण चन्द्र पाल सिंह (Respondent No.-7) द्वारा अवैध खनन किये जाने हेतु अवगत कराया गया है। अग्रेतर यह भी अवगत कराना है कि पूर्व में मा० राष्ट्रीय हरित अधिकरण में योजित ओ०ए० संख्या-742/2024 मदनसेन पुत्र स्व० श्री जगदीश प्रसाद बनाम स्टेट ऑफ यू०पी० एण्ड अन्य में पारित आदेश दि०-23.09.2024 के सुसंगत अंश निम्नवत् है:-

“.....The aforesaid chart indicates that Respondent No. 5 had carried out instream mining and had also committed illegality in respect of 336 cubic meters of sand. Respondent No. 5 had failed to supply the proper video recording of the concerned period, therefore, the District Magistrate, Jhansi vide order dated 12.08.2024 has cancelled the lease deed of the mining area. The reply further reflects that Respondent No. 5 has also been blacklisted for two years and the penalty has been imposed vide orders dated 10.01.2024, 25.04.2024 and 04.05.2024. In view of this, UPPCB has kept in abeyance the CTO issued to the project proponent till the further orders.....”

उक्त से स्पष्ट है कि जिलाधिकारी महोदय, द्वारा प्रश्नगत खनन पट्टे को आदेश दिनांक-12.08.2024 द्वारा निरस्त किया जा चुका है एवं तत्क्रम में राज्य उ०प्र० प्रदूषण नियंत्रण बोर्ड के पत्र दिनांक-30.08.2024 द्वारा प्रश्नगत खनन पट्टे को जारी सहमति (जल एवं वायु) दिनांक-19.10.2023 को अग्रिम आदेशों तक निष्प्रभावी किया गया है।

क्रमशः 2/-पर.....

अतः उपरोक्त तथ्यों के परिप्रेक्ष्य में निम्न बिन्दुओं पर सूचनाएँ अपेक्षित हैं।

1. क्या वर्तमान में जनपद-झांसी के तहसील-मोंठ स्थित ग्राम-मानिकपुरा के आराजी संख्या-314, (खण्ड-1) रकबा-4.750 हे०, क्षेत्रफल-बेतवा नदी तल स्थित बालू/मौरम का निलामी पट्टा 05 वर्ष (दिनांक-17.05.2023 से दिनांक-16.05.2028 तक) की अवधि हेतु श्री चन्द्र पाल सिंह पुत्र श्री गोपाल सिंह, निवासी-कृष्णा नगर कालौनी, खेरा गड़ियागांव, तहसील व जिला-झांसी के पक्ष में स्वीकृत है।
2. क्या कार्यालय जिलाधिकारी, झांसी के पत्रांक-512/30-एम०एम०सी०/2024-25 दि०-12.08.2024 द्वारा प्रश्नगत खनन पट्टे को जारी निरस्तीकरण आदेश प्रभावी है अथवा नहीं।
3. आपके पत्रांक-616/30एम०एम०सी०/2024-25 दिनांक-17.09.2024 द्वारा प्रश्नगत खनन पट्टे के निरीक्षण दिनांक-05.01.2024, दिनांक-22.04.2024 एवं दिनांक-01.05.2024 में पट्टाधारक द्वारा जल धारा में खनन पाये जाने के साक्ष्य हेतु अवगत कराया गया है, जोकि MoEF & CC द्वारा जारी पर्यावरणीय स्वीकृति की शर्त संख्या-32 का स्पष्ट उल्लंघन है। पट्टेधारक द्वारा कितने दिनों तक जल धारा में खनन कार्य किया गया है कि सूचना अपेक्षित है।

अतः माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली में विचाराधीन ओ०ए० संख्या-99/2025 (आई०ए० नं०-149/2025) सोवरन सिंह बनाम स्टेट ऑफ उ०प्र० एवं अन्य में पारित आदेश दिनांक-05.05.2025 के अनुपालन में आपसे अनुरोध है कि बिन्दु संख्या-01 से 03 तक की सूचनाएँ एवं अन्य प्रकरण से सम्बन्धित वांछित सूचनाएँ इस कार्यालय को प्रेषित करने का कष्ट करे ताकि मा० राष्ट्रीय हरित अधिकरण के समक्ष उ०प्र० प्रदूषण नियंत्रण बोर्ड (Respondent No.4) की ओर से ससमय रेस्पॉन्स दाखिल किया जाना सम्भव हो सके।

भवदीय,

(इमरान अली)
क्षेत्रीय अधिकारी

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

क्षेत्रीय अधिकारी

प्रेषक,

अपर जिलाधिकारी (न्यायिक),
झाँसी।

सेवा में,

सदस्य सचिव,
राज्य स्तरीय पर्यावरण प्रभाव मूल्यांकन प्राधिकरण,
उ०प्र०, लखनऊ।

पत्रांक: 155 / 30एम०एम०सी० / 2025-26

दिनांक: 31/05/2025

विषय :- जनपद-झाँसी के तहसील-मोंठ स्थित ग्राम-मनिकपुरा के आराजी संख्या-314 में स्वीकृत खनन पट्टा में निर्गत पर्यावरण स्वच्छता प्रमाण पत्र की वर्तमान स्थिति के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त विषयक श्री सोवरन सिंह, निवासी-तरगुवान, ललितपुर के शिकायती पत्र दिनांक: 08.05.2025 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसमें श्री सोवरन सिंह द्वारा जनपद-झाँसी के तहसील-मोंठ स्थित ग्राम-मनिकपुरा के आराजी संख्या-314 में स्वीकृत खनन पट्टा के सम्बन्ध शिकायत करते हुए अवगत कराया गया है कि UP SEIAA द्वारा उपरोक्त खनन पट्टे की EC दिनांक: 02.04.2025 में 884th मीटिंग में निरस्त किये जाने का उल्लेख करते हुए उक्त खनन पट्टा में खनन कार्य बन्द कराये जाने का अनुरोध किया गया है।

उक्त शिकायती पत्र के साथ संलग्न SEIAA द्वारा जारी Minutes of the 884th Meeting of the State Level Environmental Impact Assessment Authority, UP (SEIAA) held on 02-04-2025 में उल्लेख किया गया है कि **"Since District magistrate, Jhansi has cancelled the lease deed of the mine vide order no. 512/30MMC/2024-25 dated 12.08.2024. Hence, EC is also null and void in view of the cancelled lease deed and is cancelled effective 12/08/2024"**

उपरोक्त बैठक संख्या-884 में निर्गत Minutes of the Meeting (कार्यवृत्त) में प्रश्नगत खनन पट्टा के सम्बन्ध में कार्यवृत्त में उल्लेखित तथ्यों के अनुसार प्रश्नगत खनन पट्टा में निर्गत पर्यावरण स्वच्छता प्रमाण पत्र दिनांक: 28.04.2023 का निरस्तीकरण आदेश (EC cancellation order) आज दिनांक तक इस कार्यालय को प्राप्त नहीं हुआ है।

अतः उपरोक्त के दृष्टिगत प्रश्नगत खनन पट्टे में निर्गत पर्यावरण स्वच्छता प्रमाण पत्र दिनांक: 28.04.2023 वर्तमान में विधिमान्य है अथवा नहीं के सम्बन्ध में स्थिति स्पष्ट करने का कष्ट करें, यदि पर्यावरण स्वच्छता प्रमाण पत्र दिनांक: 28.04.2023 वर्तमान में विधिमान्य नहीं है तो प्रश्नगत पर्यावरण स्वच्छता प्रमाण पत्र का निरीस्तीकरण आदेश इस कार्यालय को उपलब्ध कराने का कष्ट करें, जिससे प्रकरण में नियमानुसार अग्रिम कार्यवाही अमल में लायी जा सकें।

अपर जिलाधिकारी (न्यायिक),
झाँसी।

पत्रांक व तद्दिनांक:

प्रतिलिपि :- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

- 1- निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ०प्र० लखनऊ।
- 2- निदेशक, पर्यावरण निदेशालय, उ०प्र० लखनऊ।
- 3- सदस्य सचिव, एस०ई०एम०सी०, लखनऊ।
- 4- जिलाधिकारी महोदय, झाँसी।
- 5- क्षेत्रीय अधिकारी, उ०प्र० प्रदूषण नियंत्रण बोर्ड, झाँसी।

31/05/25
अपर जिलाधिकारी (न्यायिक),
झाँसी।