

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 603 OF 2024

In the matter of:

NEWS ITEM TITLED “अवैध खनन पर हो रही है कार्रवाई, जेसीबी समेत 9 टैक्टर-ट्रॉली किए गए हैं सीज” APPEARING IN CHANDAULISAMACHAR.COM DATED 13.04.2024

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1.	Short Reply on behalf of Central Pollution Control Board i.e, CPCB, respondent no. 2 in compliance to Hon'ble NGT, PB order dated 27.05.2024, in Original Application No. 603/2024.	
2.	Annexure- I A copy of letter dated 07.06.2024 and 19.06.2024, issued by CPCB to UPPCB regarding compliance of Hon'ble NGT order dated 27.05.2024, in O.A No. 603/2024	
3.	Annexure- II A copy of Hon'ble NGT order dated 27.05.2024, in O.A No. 603/2024.	



Filed by Adv. Saurabh Balwani
(on behalf of Central Pollution Control Board)

Place: Delhi
Dated: 05.09.2024

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PRINCIPAL BENCH, NEW DELHI
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NEWS ITEM TITLED “अवैध खनन पर हो रही है कार्रवाई, जेसीबी समेत 9 ट्रैक्टर-ट्रॉली
किए गए हैं सीज” APPEARING IN CHANDALISAMACHAR.COM DATED
13.04.2024

SHORT REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL
BOARD (CPCB) i.e RESPONDENT NO. 2

1. That, Hon'ble NGT vide order dated 27.05.2024 in the subject matter and vide notice dated 01.07.2024 has sought the reply of Central Pollution Control Board (hereinafter referred as CPCB) over the averments brought out in the instant news item. Thereby, the reply is made in succeeding paragraphs.
2. That, CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and control of Pollution) Act, 1974, The Air (Prevention and control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986.
3. That, news item brings out the allegations of illegal sand mining being undertaken in Padav and Niyamatabad areas of Chandauli District of Uttar Pradesh. The news item also brings out that during an investigation in Kunda Khurd village, one JCB machine and seven tractor-trolleys were seized and taken into custody.



4. That, in view of the aforementioned facts brought out in the news item, the provisions of The Mines and Mineral (Development and Regulation) Act, 1957 (MMDR Act) applies in the given circumstances. Under the provisions of the MMDR Act 1957, the State is empowered to make rules for regulating the grant of various forms of mineral concessions in respect of minor minerals, which includes making rules for preventing illegal mining, transportation and storage of minerals.
5. Central Government has issued Environmental Impact Assessment Notification, 2006 regarding Environmental Clearance to be obtained for various projects/activities mentioned in the Schedule of the said notification. The Environmental Clearance is issued by Ministry of Environment, Forest and Climate Change (MoEF&CC) for Category A projects/activities, and by concerned State Level Environment Impact Assessment Authority (SEIAA) constituted by MoEF&CC for Category B projects/activities. The process requires submission of Environment Impact Assessment report and Environment Management Plan Reports by project proponent. Mining of minor minerals, including sand mining projects, are categorised as Category B project/activity under the Schedule of the EIA Notification and it is mandatory to obtain Environmental Clearance for such projects from the SEIAAs. Further, it is mandatory to obtain Consent of concerned State Pollution Control Board (SPCB) / Pollution Control Committee (PCC) of Union Territory for mining projects. State Government, SEIAA and SPCBs are the concern authorities to ensure compliance of the conditions prescribed in the Environmental Clearance and the Consent.
6. That, the instant news item concerns the state of Uttar Pradesh, thereby, CPCB has requested UPPCB vide letter dated 07.06.2024 & 19.06.2024 and e-mail



dated-17.08.2024 to coordinate with concerned office in District Chandauli and to provide a report in this instant matter. Additionally, an e-mail dated 30.08.2024 has also been sent to UPPCB and District Magistrate Chandauli (Respondents) to ensure submission of responses before Hon'ble NGT (PB) in the instant matter. UPPCB has informed about sending their inspection report to Registrar NGT (PB) in compliance of directions to them. The copy of letter dated 07-06-2024, 19-06-2024, and emails are annexed herewith as **ANNEXURE-1**.

7. That, the answering respondent craves leave of the Hon'ble Tribunal to file additional reply, in future, if required.
8. That in the light of the above submissions, it is respectfully submitted that this Answering Respondent, i.e., CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Court in the instant OA.



(Nazimuddin)
Scientists 'F'

Central Pollution Control Board



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
ORIGINAL APPLICATION NO. 603 OF 2024**

In the matter of: -

**NEWS ITEM TITLED “अवैध खनन पर हो रही है कार्रवाई, जेसीबी समेत 9 ट्रैक्टर-ट्रॉली
किए गए हैं सीज” APPEARING IN CHANDAU LISAMACHAR.COM DATED
13.04.2024**

AFFIDAVIT

I, Nazimuddin, working as Scientist 'F' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 2 in the above matter, do hereby solemnly affirm, declare on oath and state as under:-

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


DEPONENT



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

VERIFICATION

Verified at New Delhi on this day of 05 SEP 2024 2024 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

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DEPONENT

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



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GOVT. OF INDIA

05 SEP 2024



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Annexure-I

केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय भारत सरकार
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE GOVT. OF INDIA

स्पीड पोस्ट / ई-मेल

क्र. CPCB/Mining/CM-13011/149/2024/

07 जून 2024

सेवा में,

सदस्य सचिव,
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड,
तीसरी मंजिल, पिकअप भवन,
विभूति खंड, गोमती नगर,
लखनऊ, उत्तर प्रदेश (226010)

विषय: माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा योजित ओ.ए. क्र 603/2024 में पारित आदेश दिनांक: 27.05.2024 के संदर्भ में।

महोदय,

कृपया इस पत्र के साथ संलग्न माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली के ओ.ए. क्र 603/2024 में पारित आदेश दिनांक: 27.05.2024 का संदर्भ ग्रहण करने का कष्ट करे। आदेश के अनुच्छेद-1 में उल्लिखित समाचार निम्न लिंक पर उपलब्ध है | <https://chandaulisamachar.com/mughalsarai/illegal-mining-in-alinagar-and-mughalsarai-area/cid14130304.htm> | उक्त प्रथम आदेश दिनांक-27.05.2024 द्वारा चार प्रतिवादी बनाये गये है एवं अग्रिम सुनवाई दिनांक-06.09.2024 नियत की गयी है। उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड को अनुच्छेद-7 में निम्न निदेश दिये गए है :

"7. Respondent No. 1, UPPCB is directed to file a comprehensive report in respect of illegal mining in the area under consideration and the action taken by the UPPCB for imposition of environmental compensation against those who have caused damage to the environment by such illegal mining, at least one week before the next date of hearing ..."

चूंकि अगली सुनवाई तक पर्याप्त समय उपलब्ध है अंतः माननीय राष्ट्रीय हरित अधिकरण अन्य प्रतिवादियों से भी तथ्यात्मक एवं कृत कार्यवाही आख्या अपेक्षित करेगा।

अंतः अनुरोध है कि अतिशीघ्र अपनी आख्या की प्रति उपलब्ध कराने का कष्ट करे।

भवदीय,

hwg 7/6/24

(नाज़िमउद्दीन)

वैज्ञानिक - 'एफ' एवं

प्रभागीय प्रमुख, आई.पी.सी.॥

संलग्नक : उपरोक्तानुसार

प्रतिलिपि:

क्षेत्रीय निदेशक (लखनऊ),
केन्द्रीय प्रदूषण नियंत्रण बोर्ड (क्षेत्रीय निदेशालय)
पिकअप भवन, विभूतिखंड, गोमती नगर,
लखनऊ, उत्तर प्रदेश (226010)



केन्द्रीय प्रदूषण नियंत्रण बोर्ड
CENTRAL POLLUTION CONTROL BOARD
क्षेत्रीय निदेशालय, लखनऊ Regional Directorate, Lucknow
(पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार)
(Ministry of Environment, Forest and Climate Change, Govt. of India)

CM-13011/1/2021-LAW-RD-LUCKNOW-RD-Lucknow/267

दिनांक: 19.06.2024

सेवा में,

सदस्य सचिव,
उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड,
टी. सी.-12 वी, विभूति खंड,
गोमती नगर, लखनऊ- 226010

विषय : माननीय राष्ट्रीय हरित अधिकरण में दायर ओ. ए. संख्या 603/2024 में आदेश दिनांक 27.05.2024 के अनुपालन के संदर्भ में।

महोदय,

उपरोक्त विषयक के. प्र. नि. बोर्ड मुख्यालय के पत्र दिनांक 07 06.2024 (प्रति संलग्न) का संदर्भ ग्रहण करे, जिसमें माननीय राष्ट्रीय हरित अधिकरण के आदेश अतुच्छेद-1 में उल्लेखित समाचार के संबंध में अतिशीघ्र तथा तत्काल एवं कृत कार्यवाही आख्या उपलब्ध कराने का अनुरोध किया गया था।

अतः आपसे अनुरोध है कि उपरोक्त विषय में आख्या केन्द्रीय प्रदूषण नियंत्रण बोर्ड दिल्ली को उपलब्ध कराना सुनिश्चित करे एवं आख्या की एक प्रति इस कार्यालय को भी प्रेषित करे।

भवदीय,

(देवेन्द्र. कु. सोनी)
क्षेत्रीय निदेशक

संलग्नक: यथोपरि

प्रतिलिपि

- प्रभाग प्रभारी, आइ. पी. सी. -II, के. प्र. नि. बोर्ड मुख्यालय, दिल्ली -सादर सूचनार्थ।
- प्रभाग प्रभारी, विधि प्रभाग, के० प्र० नि० बो०, मुख्यालय, दिल्ली -सादर सूचनार्थ।
- ✓ क्षेत्रीय अधिकारी, क्षेत्रीय कार्यालय, उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड, वाराणसी, आवास विकास कार्यालय, जवाहरनगर, भेलूपुर, वाराणसी -सादर सूचनार्थ एवं आवश्यक कार्यवाही हेतु

(देवेन्द्र. कु. सोनी)

Item No. 03

Court No. 1

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

Original Application No. 603/2024

News Item titled "अवैध खनन पर हो रही है कार्रवाई, जेसीबी समेत 9 ट्रैक्टर-ट्रॉली किए गए हैं सीज" appearing in chandaulisamachar.com dated 13.04.2024

Date of hearing: 27.05.2024

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

ORDER

1. This original application is registered *suo motu* on the basis of the news item titled "अवैध खनन पर हो रही है कार्रवाई, जेसीबी समेत 9 ट्रैक्टर-ट्रॉली किए गए हैं सीज" appearing in chandaulisamachar.com dated 13.04.2024.

2. The news item relates to the illegal sand mining being done in the Chandauli District of Uttar Pradesh. As per the news item, illegal sand mining is still going on in the Padav and Niyamatabad areas in the Chandauli District. The news item discloses that during an investigation in Kunda Khurd village, one JCB machine and seven tractor-trolleys were seized and taken into custody. The news item states that as the investigating officers arrived at the site, people driving these vehicles fled from there.

3. The news item raises substantial issue relating to compliance of the environmental norms, especially compliance of Sustainable Sand Mining Guidelines, 2016 and the Environment (Protection) Act, 1986.

4. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal*

Corporation of Greater Mumbai vs. Ankita Sinha & Ors.” reported in 2021 SCC Online SC 897.

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

- (1). Uttar Pradesh Pollution Control Board, through its Member Secretary, Building No. TC-12V, Vibhuti Khand, Gomti Nagar, Lucknow - 226010.
- (2). Central Pollution Control Board, through its Member Secretary, Parivesh Bhawan, East Arjun Nagar, Delhi-110032.
- (3). Ministry of Environment, Forest and Climate Change, Regional Office Lucknow, through its Deputy Director General, Integrated Regional Office, Kendriya Bhawan, 5th Floor, Sector H, Aliganj, Lucknow 226020, Uttar Pradesh.
- (4). District Magistrate, Chandauli, Collectorate, Chandauli 232104, Uttar Pradesh.

6. Issue notice to the above respondents for filing their response at least one week before the next date of hearing.

7. Respondent No. 1, UPPCB is directed to file a comprehensive report in respect of illegal mining in the area under consideration and the action taken by the UPPCB for imposition of environmental compensation against those who have caused damage to the environment by such illegal mining, at least one week before the next date of hearing by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

8. List on 06.09.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 27, 2024
Original Application No. 603/2024
DV