

**IN THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
I.A. No. 176/2023, I.A. No. 421/2023 & I.A. No. 40/2024
IN
ORIGINAL APPLICATION NO. 636 OF 2022**

ASHISH CHAUBEY

...APPLICANT

VERSUS

ACP TOLLWAYS

PRIVATE LIMITED & ORS

...RESPONDENTS

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THROUGH



PRIYANKA SWAMI

Counsel for SIEAA

State of Uttar Pradesh

Date: 19 .07.2024

F-13, Jangpura, New Delhi - 110014

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**REPLY ON BEHALF OF RESPONDENT NO. 10, STATE LEVEL
ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, U.P.**

MOST RESPECTFULLY SHOWETH: -

1. In Original Application No. 636 /2022 (I.A. No. 176/2023, I.A. No. 421/2023 & I.A. No. 40/2024 Ashish Chaubey vs ACP Tollways Private Limited & Ors. wherein the Hon'ble NGT vide its Order dated 03.04.2024, has passed the following direction :-

“ 7. In view of the facts and circumstances of the case we also consider it necessary to have the response from (9) Uttar Pradesh Pollution Control Board (UPPCB), through Member Secretary and (10) UP State Environment Impact Assessment Authority (UPSEIAA) through its Member Secretary who stand impleaded as respondents no. 9 and 10.”

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

- Environmental clearance shall be required for:

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

3. The environmental clearance shall be taken from the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at the State level, the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity. The State Environment Impact Assessment Authority (SEIAA) shall base its decision on the recommendations of a State level Expert Appraisal Committee (SEAC).

4. The SEIAA and SEAC, Uttar Pradesh have been constituted by Ministry of Environment and Forest & CC, Govt. of India vide notification bearing no. S.O 3338(E) dt. 16.10.2017 and subsequently reconstituted through notification bearing no. S.O. 2276(E) dated 11/06/2021

5. Directorate of Environment, Govt. of U.P. has been declared to function as Secretariat to these statutory bodies i.e. SEIAA and SEAC by the State Government.

6. All such project proposals received by the SEIAA, UP for Prior Environmental Clearance are dealt with according to the EIA Notification, 2006(as amended).

7. The applicant is seeking direction from this Hon'ble Tribunal to direct respondents to take adequate steps immediately to enforce the compliance of conditions imposed in para 8, para 11 and para 18 of NOC issued by Special Secretary, Uttar Pradesh Government in connection with the permission to use 129.251 hectares the forest lands and cutting of 18632 trees of Kaimoor Wildlife Sanctuary in Sonbhadra, Obra and Renukoot Forest Divisions for the upgradation and widening of the NH-6A to the U.P. State Highway Authority (UPSHA) wherein, it has been stipulated that no labour camp shall be established on the Forest Land. However, in violation of the said provision ACP Toll-ways Private Limited has constructed a residential colony and offices of permanent nature in the eco-sensitive zone on the land of Reserve Forest Area at Lodhi, Robertsganj in the District Sonbhadra.

8. It is submitted that the Ministry of Environment, Forests and Climate Change, GoI has made the following provision under category 7(f) in the Schedule of the EIA Notification 2006 (as amended) for the requirement of Prior Environmental Clearance regarding the New National/State High ways and Expansion of National/State Highways:-

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
1	2	3	4	5
7(f)	Highways	i) New National Highways; and	i) All New State	General Conditions shall apply

		ii) Expansion of National Highways greater than 100 km involving additional right of way or land acquisition greater than 40m on existing alignment and 60 m on re-alignment or by-passes	Highway Projects; ii) State Highway expansion projects in hilly terrain (above 1,000 m AMSL) and or ecologically sensitive areas.	Note: (i) Highways include expressways. (ii) All Highway projects are exempted up to 100 km from the line of control or border subject to compliance with the Standard Operating Procedure notified in this regard from time to time. (iii) Width at the toll plaza and junction improvement at the intersection of other roads is exempted from Right of Way
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9. It is also submitted that no application for environmental clearance has been received on the Parivesh portal under the provisions of EIA Notification 2006 (as amended) from “ACP Tollways Private Limited”.

THROUGH



PRIYANKA SWAMI

Counsel for SIEAA

State of Uttar Pradesh

F-13, Jangpura, New Delhi - 110014

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, AT NEW DELHI
Original Application No. 636 /2022
(I.A. No. 176/2023, I.A. No. 421/2023 & I.A. No. 40/2024)**

Ashish Chaubey	Versus	...Applicant
ACP Tollways Private Limited & Ors.		...Respondents

AFFIDAVIT

Affidavit of Ms. VIDHYOTMA Bharti, aged about 49 years w/o Shri G.L.Nigam, presently posted as Assistant Director, DIRECTORATE OF ENVIRONMENT, UP, having an office at E - 12/1, NOIDA, Uttar Pradesh.

Presently at New Delhi

1. That I am posted as stated above and well conversant with the facts of the present case and as such competent to swear this affidavit before this Tribunal.
2. That the accompanying report has been drafted by our counsel upon my instructions.
3. That the contents of the accompanying reply are true and correct and the knowledge has been derived from official records and nothing material has been concealed therefrom.





Blushi

DEPONENT

VERIFICATION

15 JUL 2024

Verified on solemn affirmation at New Delhi on this _____ day of JULY 2024, that the contents of the foregoing affidavit are true and correct to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

Blushi
I identified the deponent who has signed in my presence

15 JUL 2024

ATTESTED
NOTARY PUBLIC
(INDIA)

Presently at New Delhi

Blushi

DEPONENT