

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 557/2024
IN THE MATTER OF:-

NEWS ITEM TITLED "PRAYAGRAJ यमुना में जलस्तर घटने के साथ बना पेयजल संकट, नैनी की तरफ अननयनित खनन पर भी ननयंिण की तैयारी" APPEARING IN AMAR UJALA DATED 13.04.2024

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1	Short Reply in compliance to the Hon'ble NGT PB order dated 21.05.2024 in OA No. 557/2024 titled as NEWS ITEM TITLED "PRAYAGRAJ यमुना में जलस्तर घटने के साथ बना पेयजल संकट, नैनी की तरफ अननयनित खनन पर भी ननयंिण की तैयारी" APPEARING IN AMAR UJALA DATED 13.04.2024.	
2	Annexure-I: A copy of letter dated 07.06.2024 issued by CPCB to UPPCB.	
3	Annexure-II: : A copy of Hon'ble NGT order dated 21.05.2024.	

FILED BY:-



(Rajkumar)

Counsel for Central Pollution Control Board)

Date: - 04.09.2024

Place: Delhi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

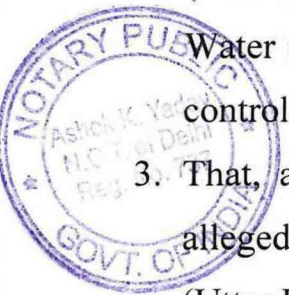
Original Application No. 557/2024

IN THE MATTER OF:-

NEWS ITEM TITLED "PRAYAGRAJ यमुना में जलस्तर घटने के साथ बना पेयजल संकट, नैनी की तरफ अननयनित खनन पर भी ननयंिण की तैयारी" APPEARING IN AMAR UJALA DATED 13.04.2024

SHORT REPLY ON BEHALF OF CENTRAL POLLUTION CONTROL BOARD (CPCB) i.e RESPONDENT NO. 1

1. That, Hon'ble NGT vide order dated 21.05.2024 and notice dated 20.07.2024 has sought the reply of Central Pollution Control Board (hereinafter referred as CPCB) over the averments made 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, averments made in the news item relates to the decrease in water level allegedly due to uncontrolled sand mining on the bank of River Yamuna in Prayagraj (Uttar Pradesh).
4. That, in view of the provisions of The Mines And Minerals (Development And Regulation) 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 by project proponent. Mining of minor minerals, including sand mining projects, are categorized as Category B project/activity under the Schedule of the EIA Notification and it is mandatory to obtain Environmental Clearance from the SEIAAs for such projects. Further, it is mandatory to obtain Consent of concerned State Pollution Control Board (SPCB) / Pollution Control Committee (PCC) of Union Territory for such projects.

6. That subject matter of news item pertains to the state of Uttar Pradesh, thereby, CPCB has requested UPPCB vide letter dated 05.06.2024 & 07.06.2024 and e-mail dated-17-08-2024 to coordinate with concerned office in District Prayagraj and provide a report in this matter. Additionally, an e-mail dated 30.08.2024 has been sent to UP PCB and District Magistrate Prayagraj (respondents) to ensure submission of their responses before Hon'ble NGT (PB). The copy of letter dated 05-06-2024, 07-06-2024, 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
(Nazimuddin)
 Scientist 'F'

Central Pollution Control Board

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 557/2024

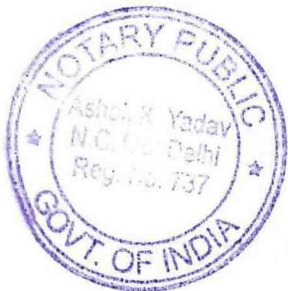
IN THE MATTER OF:-

NEWS ITEM TITLED "PRAYAGRAJ यमुना में जलस्तर घटने के साथ बना पेयजल संकट, नैनी की तरफ अननयनित खनन पर भी ननयण की तैयारी" APPEARING IN AMAR UJALA 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. 1 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 reply may be read part and parcel of the present affidavit.
3. That the accompanying 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.

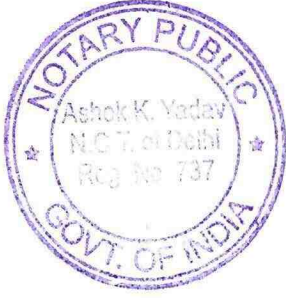



DEPONENT

नाज़िमउद्दीन / 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 4th 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.



Handwritten signature

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

ATTESTED

NOTARY PUBLIC
GOVT. OF INDIA

Handwritten signature
 04/10/2024



LIFE
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Environment



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ANNEXURE--I
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/212

दिनांक 07.06.2024

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 557/2024 में आदेश दिनांक 21.05.2024 के अनुपालन के संदर्भ में।

महोदय,

उपरोक्त विषयक के. प्र. नि. बोर्ड मुख्यालय के पत्र दिनांक 05 06.2024 (प्रति संलग्न) का संदर्भ ग्रहण करे, जिसमें माननीय राष्ट्रीय हरित अधिकरण के आदेश अनुच्छेद-1 में उल्लेखित समाचार के संबंध में संबंधित जिला प्रभाग/ विभाग से संपर्क स्थापित कर अतिशीघ्र तथ्यात्मक 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, प्रयागराज, सेक्टर-10, योजना नं.-3 आवास विकास परिषद कॉलोनी, झूसी, प्रयागराज -सादर सूचनार्थ एवं आवश्यक कार्यवाही हेतु

(देवेन्द्र. कु. सोनी)

स्पीड पोस्ट / ई-मेल

क्र. CPCB/Mining/CM-13011/138/2024/

05 जून 2024

सेवा में,

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

विषय: माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली द्वारा योजित ओ.ए. क्र 557/2024 में पारित आदेश दिनांक: 21.05.2024 के संदर्भ में।

महोदय,

कृपया इस पत्र के साथ संलग्न माननीय राष्ट्रीय हरित अधिकरण नई दिल्ली के ओ.ए. क्र 557/2024 में पारित आदेश दिनांक: 21.05.2024 का संदर्भ ग्रहण करने का कष्ट करे आदेश के अनुच्छेद-1 में उल्लिखित समाचार निम्न लिंक पर उपलब्ध है। (<https://www.amarujala.com/uttar-pradesh/allahabad/drinking-water-supply-crisis-due-to-falling-water-level-in-yamuna-uncontrolled-mining-on-naini-side-also-need-2024-04-13>)। उक्त प्रथम आदेश दिनांक-21.05.2024 द्वारा तीन प्रतिवादी बनाये गये है एवं अग्रिम सुनवाई दिनांक-06.09.2024 नियत की गयी है।

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

अंत: अनुरोध है कि संबन्धित जिला प्रशासन / विभाग से संपर्क स्थापित कर अतिशीघ्र आख्या उपलब्ध कराने का कष्ट करे।

भवदीय,

(नाज़िमउद्दीन)

वैज्ञानिक - 'एफ' एवं
प्रभागीय प्रमुख, आई.पी.सी-II

संलग्नक : उपरोक्तानुसार

प्रतिलिपि:

क्षेत्रीय निदेशक (लखनऊ),
केन्द्रीय प्रदूषण नियंत्रण बोर्ड (क्षेत्रीय निदेशालय)
पिकअप भवन, विभूतिखंड, गोमती नगर,
लखनऊ - 226110,
उत्तर प्रदेश

Item No. 03

Court No. 1

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

Original Application No. 557/2024

News Item titled "**Prayagraj** यमुना में जलस्तर घटने के साथ बना पेयजल संकट, नैनी की तरफ अनियंत्रित खनन पर भी नियंत्रण की तैयारी" appearing in Amar Ujala dated 13.04.2024

Date of hearing: 21.05.2024

**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**

ORDER

1. This original application is registered *suo-motu* on the basis of the news item titled "Prayagraj यमुना में जलस्तर घटने के साथ बना पेयजल संकट, नैनी की तरफ अनियंत्रित खनन पर भी नियंत्रण की तैयारी" appearing in Amar Ujala dated 13.04.2024.
2. The matter relates to the decrease in water level due to heat and uncontrolled sand mining on the bank of Yamuna in Prayagraj (Uttar Pradesh). As per the article, with the rising temperature, the water level in Yamuna is going down, increasing the possibility of a water crisis.
3. The news item states that a large area of the old city is supplied with water from Karelabagh Pumping Station. Yamuna river water is brought to the Khusrobagh plant through pumps. Then after treatment, it is supplied to the houses but with the decrease in the water level of Yamuna River, there is a possibility that the pumping station will also not get enough water. Due to mining, river water is running towards Naini. Due to this, a decrease in the water level was recorded towards

Karelabagh, due to which there is a possibility that the pumping station will not get sufficient water.

4. The news item alleges that the water crisis has deepened with the groundwater level going down in summer. Complaints about low pressure and dirty water coming into the taps have increased due to the water supply being affected by tubewells. The problem has further increased due to the malfunction of hand pumps. Due to malfunction in the tube well, falling water level and power cut, there is problem of drinking water supply in the localities like South Malaka, Rambagh, Sanjay Nagar of Allapur, Shivanagar, Bairahna etc.

5. The above matter indicates violation of the Water (Prevention and Control of Pollution) Act, 1974; Sand Mining Guidelines, 2016 and the Environment Protection Act, 1986.

6. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.

7. 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.

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

(i). Member Secretary, Central Pollution Control Board, its, Parivesh Bhawan, East Arjun Nagar, Delhi-110032.

(ii). Member Secretary, Uttar Pradesh Pollution Control Board, Building No. RC - 12 V, Vibhuti Khand, Gomti Nagar, Lucknow -226010.

(iii). District Magistrate, Prayagraj, District Magistrate Office,
Collectorate, Prayagraj – 211002.

9. Let notice be issued to the above respondents for filing their
response at least one week before the next date of hearing.

10. List on 06.09.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

May 21, 2024
O.A. No. 557/2024
HB