

Item No.3

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH**

(By Video Conferencing)

Original Application No. 410/2022
(I.A. No. 138/2022 & I.A. No. 139/2022)

Avinash Kumar Ray

Applicant

Versus

Ministry of Environment, Forests
and Climate Change & Ors.

Respondents

Date of hearing: 30.05.2022

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

Applicant : Mr. Ravi Prakash Mehrotra Sr. Advocate along with Ms.
Pallavi Pratap and Mr. Shivam Goel, Advocates.

ORDER

1. The applicant has filed present application under Sections 14 & 15 of the National Green Tribunal Act, 2010 inter alia seeking the relief of issuance of directions to respondents no 2 and 4 to undertake the exercise of reevaluation and reassessment and to prepare a fresh DSR of District Banda as per SSMG 2016 and EMGSM-2020 and thereafter to proceed to settle mining leases of District Banda, Uttar Pradesh in accordance with EMGSM, 2020 and the Uttar Pradesh Minor Minerals (Concession) Rules 1963 and not to proceed further in pursuance to the re-NIT/re-advertisement dated 06.04.2022 and not to settle the areas till replenishment study of rivers of Banda district by C.M.P.D.I is completed in consonance with the orders dated 19.03.2020 and 18.09.2020 passed by this Tribunal in *O.A No. 208 of 2019 titled as Sandeep Kumar Singh Versus State of U.P.*

2. The applicant has submitted that DSR dated 23.11.2017 was prepared in respect of mineral bearing areas of district Banda by respondent No.5 without proper scientific field investigation and without carrying out the replenishment study of the mineral bearing areas of rivers of Banda. Advertisement dated 06.04.2022 has been issued by the office of respondent No.4 in respect of certain areas of District Banda for grant of mining leases in blatant violation of the directions given by this Tribunal vide orders dated 19.03.2020 and 18.09.2020 passed in O.A. 208 of 2019 titled as *Sandeep Kumar Singh Versus State of U.P* before completion of replenishment study of rivers of Banda District which is being conducted by C.M.P.D.I., and is expected to be completed by 31st December 2022.

3. We have heard learned Counsel for the applicant and gone through the relevant record.

4. The averments made in the petition raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010 and illegality of the proposed action of the respondent nos. 4 and 5.

5. Let notices be issued to respondents requiring them to file replies specifically responding to all material averments made in the application within two months.

6. The applicant is directed to take requisite steps for service of notices on the respondents and file affidavit regarding the same by email at judicial-ngt@gov.in within seven days.

7. List for further consideration on 26.08.2022.

8. In the meanwhile no mining shall be commenced in any of the mining sites before completion of replenishment study of rivers of District Banda which is being conducted by C.M.P.D.I and grant of environmental clearance/CTE/CTO on the basis thereof. The District Magistrate and Superintendent of Police, District Banda shall take requisite steps for ensuring that no illegal mining takes place on the basis of any lease agreement pursuant to advertisement dated 06.04.2022 before completion of replenishment study and grant of environmental clearance/CTE/CTO on the basis thereof.

9. A copy of the order along with copy of application and document sent therewith to the Respondents no. 4 and 5 and Superintendent of Police, Banda .

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

May 30, 2022
Original Application No. 410/2022
AG