

Item Nos. 03 to 08, 11&12

(Court No. 1)

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

(By Video Conferencing)

Appeal No. 54/2020

**WITH**

Appeal No. 55/2020

**WITH**

Appeal No. 56/2020

With

Caveat No. 15/2020

**WITH**

Appeal No. 02/2021

**WITH**

Appeal No. 03/2021

**WITH**

Appeal No. 04/2021

Anil Kumar Yadav

Appellant

Versus

State Environment Impact Assessment Authority,  
Uttar Pradesh & Ors.

Respondent(s)

**WITH**

Appeal No. 30/2021

(I.A. No. 232/2021, I.A. No. 243/2021 & I.A. No. 244/2021)

**WITH**

Appeal No. 31/2021

(I.A. No. 233/2021, I.A. No. 245/2021 & I.A. No. 246/2021)

Agreta Foundation

Appellant

Versus

State Level Environment Impact Assessment  
Authority (SEIAA), UP & Ors.

Respondent(s)

Date of hearing: 02.05.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Appellant: Ms. Samridhi Jain, Advocate for Appellant in Appeal Nos. 54 to 56 of 2020 & 2 to 4 of 2021  
Respondent: Mr. Pradeep Misra & Mr. Daleep Dhyani, Advocates for UPPCB

### **ORDER**

1. All the above appeals involve common question of validity of Environmental Clearances (ECs) granted by State Environment Impact Assessment Authority (SEIAA), UP for mining, treating the projects to be category 'B' projects. The appellants have challenged the same on the ground that the project should have been treated as category 'A' project in view of 'General Condition' appended to the EIA notification dated 14.9.2006, the projects being within the specified distance from critically pollute area, as held by the Tribunal earlier vide order dated 20.11.2020 in Appeal No. 4/2020, *Abhinav Gramodyog & Seva Sansthan v. State Level Environment Impact Assessment Authority, Uttar Pradesh & Ors.*

2. Vide order dated 24.12.2020 in Appeal Nos. 54 to 56 of 2020, *Anil Kumar Yadav vs. State Environment Impact Assessment Authority, & Ors.*, the Tribunal sought response from SEIAA, UP.

3. However, the order of the Tribunal, relied upon by the Appellants, itself was challenged by way of Review Application Nos. 07 & 09 of 2021, *Abhinav Gramodyog & Seva Sansthan v. State Level Environment Impact Assessment Authority, Uttar Pradesh & Ors.*, on the ground that the 'General Condition' was not attracted as the projects were beyond the specified distance from the critically polluted area. Vide order dated 05.03.2021, the Tribunal sought a factual report in the matter from a joint Committee of MoEF&CC, CPCB and UP State PCB. The said review applications are being separately dealt with. The report of the joint Committee filed on 26.10.2021 is as follows:

*“6.1. Distance of the project site from Polluted area Singrauli*

*6.1.1. Committee referred to the MoEF&CC OM dated 15.03.2010, through which the various industrial clusters/ potential impact zones located in Singrauli District of Uttar Pradesh State have been identified. The Renukoot is the nearest industrial cluster to the mining site among the identified industrial clusters for Polluted Area- Singrauli.*

*6.1.2. The shortest aerial distance between the revenue boundary of Renukoot from the mine boundary is 20.8 KM.*

*6.1.3. Thus, the project is located at more than 10 KM distance from Critically Polluted Area (CPA)/ Severely Polluted Area (SPA).*

*6.2. Distance of the project from the protected area under the Wild Life (Protection) Act, 1972*

*6.2.1. The Kaimur Wildlife Sanctuary is the nearest protected forest area under Wild Life (Protection) Act, 1972.*

*6.2.2. The MoEF&CC, on 20.03.2017 issued a notification regarding Kaimur Wild Life Sanctuary situated in the Mirzapur and Sonbhadra districts of Uttar Pradesh. The details of GPS coordinates of the points along the boundary of the Kaimur Wildlife Sanctuary and its eco-sensitive Zone are also appended as Annexure-II in the said notification.*

*6.2.3. The joint committee referred this notification for measuring the distance of project site in question from the defined boundary of the Kaimur Wildlife Sanctuary and its eco-sensitive Zone.*

*6.2.4. The point defined at ID no 105 having GPS coordinates 83°9'18.622" E - 24°27'58.573" N, is the nearest point from the closet boundary of the mine lease area (i.e. pole F: 24°14'54.27"N 83°16'13.82"E).*

*6.2.5. The distance between the point defined point at ID no 105 in the boundary of Kaimur Wildlife Sanctuary and its eco-sensitive nearest peripheral point of the mine lease area (Pole-F) is 26.8 KM, which is more than required minimum distance of 10 K.M.*

*6.3. Distance of the project from the nearest inter-state boundary*

*6.3.1. Jharkhand state boundary is the nearest inter-state boundary from the project site.*

*6.3.2. The aerial distance of the site from the nearest inter-state boundary is 13.45 KM, which is more than required minimum distance of 10 KM.*

*6.4. Distance of the project from the nearest Forest blocks.*

*6.4.1. The least, distance of the mining site in question from the periphery of the nearest forest blocks is around 150 m, which is more than required minimum distance of 100 m.*

*7. Considering the above findings, the committee concludes that the project falls under 'Category-B' in accordance with the EIA Notification dated 14.09.2006 (as amended). And hence the 'Environmental Clearance' can be issued as per the prevailing conditions prescribed in the Act."*

4. In view of above, by a separate order of date, 'General Condition' has been found not to be applicable and review applications have been allowed.

5. Vide order dated 02.08.2021, the Tribunal observed that since a report was sought in the Review Application No. 07/2021, the decision in the said review application will govern all the matters on the issue of distance from critically polluted area in question, including the appeals at hand.

6. Accordingly, in view of order in the application the Review Application No. 07/2021 passed separately today, the 'General Condition' is not applicable, the projects cannot be held to be category A, as contended by the appellants.

The appeals are dismissed.

All pending I.A.s will also stand disposed of.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

May 02, 2022  
Appeal No. 54/2020  
and other connected matters  
DV