

Item Nos. 01 & 02

Court No. 1

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

Original Application No. 410/2023

Vipin

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

**With**

Original Application No. 411/2023

Bijender Dhama

Applicant

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 03.07.2023

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

Applicant: Mr. Achint Kumar, Advocate

**ORDER**

1. This order will deal with above two connected matters with identical grievance against illegal mining.

2. In O.A. No. 410/2023, grievance is against illegal mining at Gata No. 397, 398, 399, 400 over an area of 1.3900 hectares, Village Subhanpur, Tehsil Khekda, District Baghpat, UP by Anjanisut Infrastructure Private Limited, the project proponent (PP). Case of the applicant is that the PP has already extracted soil beyond 20,000 cubic mtrs. in violations of conditions of mining permit dated 21.04.2023 issued by the Directorate of

Geology and Mining, Uttar Pradesh under the UP Minor (Concessions) Rules, 2021. Transportation of mined material is in violation of norms. 70-100 trucks are being dispatched from the site on daily basis by forging the e-Transit pass Form MM11. Thus, the environmental safeguards are avoided in the process. Dust emission is adversely affecting the environment and agricultural lands in the area. Excessive illegal mining is resulting in removal of fertile layer of sand on agricultural land with the help of heavy machinery, in violation of mandatory norms. Condition of ensuring that no ponding effect is caused is violated. There is no sprinkling of water on the day of extraction of sand.

3. In O.A. No. 411/2023, grievance broadly is identical except that the location of illegal mining is at Gata/Khand no. 1 over an area of 1.81 hectares, Village Nauraspur, Tehsil Loni, District Ghaziabad, at Yamuna River by M/s Vaibhavraj Enterprises, project proponent (PP). It is alleged that mining is resulting in obstructing flow of river by use of heavy machineries. Mining is beyond permissible area and beyond permissible limit of 22,622 cubic mtrs., in violation of conditions of EC dated 13.01.2023. The PP is involved in photo shopping and preparing false and fabricated Form MM11, under Rule 72(1) of Minor (Concessions) Rules, 2021.

4. In view of above, it appears to be necessary to ascertain the factual position to remedy the violations, if any, found. However, learned Counsel for the applicant states that in first matter some action has been taken but in second matter no remedial action has been taken.

5. Accordingly, we constitute a joint Committees of SEIAA, UP, State PCB and concerned District Magistrates of Baghpat and Ghaziabad respectively. The joint Committees may undertake visit to the site, interact

with the stakeholders and give a factual and action taken report in the matter within two months by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

6. The applicant may put the PP to notice of these proceedings.

List for further consideration on 19.10.2023.

A copy of this order be forwarded to SEIAA, UP, State PCB and District Magistrates of Baghpat and Ghaziabad by e-mail for compliance.

The applicant may serve set of papers on SEIAA, UP, State PCB and District Magistrates of Baghpat and Ghaziabad and file affidavit of service within one week.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

July 03, 2023  
Original Application No. 410/2023  
& Original Application No. 411/2023  
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