

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH AT NEW DELHI  
I.A. NO. \_\_\_\_\_ OF 2022  
IN  
APPEAL NO. 07 OF 2022**

**IN THE MATTER OF:**

Ghanai

.... **APPELLANT**

**Versus**

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

**...RESPONDENTS**

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DATE: 09.08.2022

PLACE: New Delhi

FILED BY:

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**REPLY/OBJECTIONS TO THE JOINT COMMITTEE REPORT SUBMITTED  
TO THE HON'BLE NATIONAL GREEN TRIBUNAL ON 24.05.2022 IN  
PURSUANCE OF ORDER DATED 18.02.2022 IN THE CAPTIONED APPEAL  
ALONG WITH APPLICATION FOR INTERIM RELIEF**

**MOST RESPECTFULLY SHOWETH:-**

1. That the appellant has filed the above-captioned appeal under Section 16 (h) of the National Green Tribunal Act, 2010 before this Hon'ble Tribunal challenging the Environmental Clearance 03.12.2021 (hereinafter referred to as the "impugned Environmental Clearance") granted by the State Level Environment Impact Assessment Authority, U.P. (hereinafter referred to as "SEIAA") to M/s R.N.S. Pvt. Ltd. for proposed River Sand/Morrum mining at Gata No. 03GA, Khand No.-03, Village-Nandha, Orai, Jalaun, U.P., sanctioned Lease Area 8.502 ha.

2. That on 18.02.2022, this Hon'ble Tribunal was pleased to pass the following order:

*ORDER*

*"1. The present appeal has been filed by the appellant challenging the Environmental Clearance 03.12.2021 granted by the State Level Environment Impact Assessment Authority, U.P. to M/s R.N.S. Pvt. Ltd. for proposed River Sand/Morrum mining at Gata No. 03 GA, Khand No.- 03, Village-Nandha, Orai, Jalaun, U.P. for a sanctioned lease area of 8.502 ha. It is submitted that the leased area for proposed mining is habitat of crocodiles, under the Wildlife Protection Act, 1972 and they use the area for nesting. As per section 9 of the Wildlife Protection Act, 1972, Crocodile is a protected reptile. Thus, any mining done in pursuance of the impugned environmental clearance would fall foul of the abovementioned provisions of the Wild Life Protection Act, 1972. It is submitted that the Environment Clearance has been obtained by concealing the above facts. It is further submitted that agricultural land of the applicant is adjacent to the proposed site. The site in question is a rocky terrain/ rock having insufficient volume of mineable mineral as required for carrying out mining activities. It is submitted that the mining will result in huge degradation of environment, cause erosion, destruction of natural habitat of fauna and will adversely affect the crocodile breeding.*

*2. In view of the above grievance of the applicant, it appears necessary to ascertain the factual position in the matter through a Joint Committee of the SEIAA and District Magistrate-Jalaun, Uttar Pradesh. The State PCB will be the Nodal agency for coordination and compliance. The Joint Committee may meet*

*within four weeks and undertake site visit and look into the grievance of the applicant. Factual and action*

*taken report may be furnished within three months by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.*

*List the matter for consideration on 26/05/2022.*

*A copy of this order, along with a copy of the complaint, be forwarded to the SEIAA and District Magistrate-Jalaun, Uttar Pradesh by e-mail for compliance."*

3. That in pursuance thereof, a joint committee comprising of ADM (F/R) Orai, Jalaun, Member of SEIAA, UP and R.O. UPPCB Jhansi visited the site and submitted its compliance report to this Hon'ble Tribunal on 25.05.2022. On perusal of the said report, the following would be evident:
  - a. That a specialist officer from the forest department was requested from the Principal Chief Forest Conservator (Jeev Jantu), U.P. to accompany the committee to the site for factual verification that whether the site leased for proposed mining under the impugned environmental clearance was habitat for crocodiles as averred in the Appeal. However, no such officer was deputed and the committee visited the site in absence of 'Expert Officer of Crocodile'. Resultantly, the report observes that "*the presence of crocodiles in River Betwa near by the said sand mining lease area were not specify in absence of expert officer (Jeev Jantu), So, the specialist officer of forest department, U.P. can certify the possibility/non-possibilities of crocodiles nearby the flowing water area of River Betwa.*"

- b. The report makes it clear that the project proponent has not yet obtained consent to operate from the concerned UPPCB.
  - c. The project proponent has not conducted the Primary survey of flora and fauna study as per the EC terms and conditions.
  - d. No restoration plan has been submitted by the project proponent.
  - e. The compliance reports of general conditions and specific conditions of EC have not been submitted by the project proponent.
4. That on perusal of the report it is also evident that the fact ascertaining report does not address the two primary grievances raised in the appeal, which also form part of the order of this Hon'ble Tribunal dated 18.02.2022, namely,
- i. The leased area for proposed mining is habitat of crocodiles, under the Wildlife Protection Act, 1972 and they use the area for nesting. As per section 9 of the Wildlife Protection Act, 1972, Crocodile is a protected reptile. Thus, any mining done in pursuance of the impugned environmental clearance would fall foul of the abovementioned provisions of the Wild Life Protection Act, 1972.
  - ii. The Environment Clearance has been obtained by concealing the above facts.
  - iii. The site in question is a rocky terrain/ rock having insufficient volume of mineable mineral as required for carrying out mining activities, which may give rise to the probability of illegal mining from the agricultural land of the appellant which is adjacent to the proposed site.

5. That it is respectfully submitted that the Chief Wild Life Warden, Government of UP has been arrayed as Respondent no. 4 in the captioned Appeal and he/she is the primary officer who is responsible for fauna in the State of UP as per the Wildlife Protection Act, 1972. This Hon'ble Tribunal may kindly be pleased to direct respondent No. 4 to carry out the exercise of ascertaining the averments made in the captioned appeal qua the proposed mining site being habitat of crocodiles which is used by them for nesting. It is further prayed that such an exercise would be fruitful when the nesting season of the crocodile is in vogue.
6. That it would be relevant to state here that on 02.02.2022 a team of forest officials along with local administration had visited the site. To the knowledge of the appellant, the said visit was made due to the fact that the presence of crocodiles came to the officials' knowledge. The appellant preferred an application on 07.05.2022 under Right to Information Act to the Chief Conservator of Forest, to know the outcome of the said visit. However, the same is still warranted and rather on 17.05.2022 the Chief Conservator of Forest wrote a letter to Divisional Forest Officer, Jalaun to provide the information sought. A copy of the said letter is being annexed herewith and marked as **Annexure No. A1**.
7. That it is further prayed that this Hon'ble Tribunal may kindly direct the joint committee to ascertain the facts as to the sufficiency of mineable minerals as the site is full of rocky terrain.
8. That the instant submissions are being filed bonafide for protection of environment and in the interest of justice and this Hon'ble Tribunal may kindly

consider the Joint Committee report submitted on 24.05.2022 in light of the above submissions.

### **PRAYER**

In the light of the facts and circumstances stated hereinbefore, this Hon'ble Tribunal may be pleased to:

- i. Direct respondent no.4 to ascertain the fact that the proposed mining site is habitat of crocodiles, frequented by the crocodiles for nesting in the nesting season.
- ii. The joint committee may ascertain the sufficiency of mineable minerals at the proposed site as it is full of rocky terrain.
- iii. Stay the operation and implementation of the environmental clearance dated 03.12.2021 granted by the by the State Level Environment Impact Assessment Authority, U.P. (hereinafter referred to as "SEIAA") to M/s R.N.S. Pvt. Ltd. partner Sri Devnath Singh bearing EC identification no. EC21B001UP187714, for proposed river Sand/Morrum mining at Gata No. 03GA, Khand No.-03, Village-Nandha, Orai, Jalaun, U.P., sanctioned Lease Area 8.502 ha. as contained in Annexure No. A-1 to the Appeal.

- iv. Direct M/s R.N.S. Pvt. Ltd. to not proceed with mining operations at Gata No. 03GA, Khand No.-03, Village-Nandha, Orai, Jalaun, U.P., in the sanctioned Lease Area of 8.502 ha. during the pendency of the Appeal.
- v. Pass such other and further orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.

DATE: 09.08.2022

PLACE: New Delhi



FILED BY:

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PRINCIPAL BENCH AT NEW DELHI

I.A. NO. \_\_\_\_\_ OF 2022

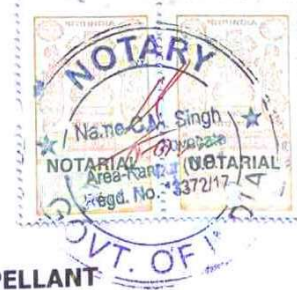
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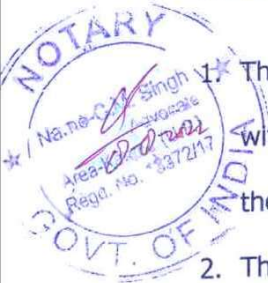
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...RESPONDENTS

**AFFIDAVIT**

I, Ghanai (Adhaar: 220591109556), S/o late Binde, aged about 73 years R/o 1045, Naroghat, Kotra, Jalaun Uttar Pradesh-285223, do hereby solemnly affirm and state on oath as under:

1. That I am the appellant in the above-captioned appeal. I am well conversant with the facts and circumstances of the case and as such competent to swear the instant Affidavit.
2. That the accompanying application for interim relief has been drafted and filed as per my instructions. The contents of the same have been read over to me in my vernacular language. I have understood the same, which are true and correct to be best of my understanding and belief.
3. That the contents of accompanying application may kindly be read as part and parcel of this Affidavit and the same are not repeated herein for the sake of



brevity. The said application is being filed bonafide and in the interest of justice.

DEPONENT

*[Handwritten signature]*

VERIFICATION

I, the above named deponent, do hereby verify that all the facts mentioned in this affidavit are true to my knowledge and no part thereof is false and nothing material has been concealed therefrom.



Verified at .. on this day of August, 2022.

DEPONENT

*[Handwritten signature]*

verified that this document is preserved before me today by Sn... *G. Kanai* who is identified by Sri *[Signature]* identified per identified *[Signature]* once Attested

Chandra Mani Singh Advocate  
Central Govt. Notary  
Meerut (U.P.)

कार्यालय: वन संरक्षक/क्षेत्रीय निदेशक, बुन्देलखण्ड वृत्त, उ०प्र०, झांसी।  
पत्रांक- 3530 /26-1 / दिनांक, मई, 17, 2022।

सेवा में,

प्रभागीय वनाधिकारी,  
जालौन, सा०वा० वन प्रभाग, उरई।

विषय - मगरमच्छों की जांच की प्रति प्राप्त कराने के सम्बन्ध में।

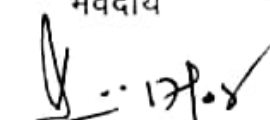
- संदर्भ -
1. इस कार्यालय का पत्रांक-3434/26-1, दिनांक 02.05.2022।
  2. आवेदक का प्रार्थना पत्र दिनांक- 13.04.2022।
  3. आवेदक का प्रार्थना पत्र दिनांक- 07.05.2022।

महोदय,

सूचना का अधिकार अधिनियम 2005 के प्राविधानों के अन्तर्गत आवेदक श्री धनई पुत्र स्व० बिन्दे, निवासी-1045, नारों घाट, कोटरा जिला, जालौन ने अपने प्रार्थना पत्र दिनांक 07.05.2022 द्वारा इस कार्यालय को प्रस्तुत किया है जो वन संरक्षक, कार्यालय झांसी में दिनांक 11.05.2022 को प्राप्त हुआ है जिसमें आवेदक द्वारा दिनांक 02.02.2022 को वन विभाग की जांच टीम नन्धा तहसील, उरई जिला जालौन में मौजूद मगरमच्छों की जांच करने मौके में आई थी, उक्त में क्या निष्कर्ष निकला की रिपोर्ट की प्रति निर्भोक प्रताप सिंह पुत्र श्री सन्त बहादुर सिंह, ग्राम कीसाखेड़ा, पोस्ट गाजीपुर थाना साढ़ तहसील नर्वल कानुपर नगर पिन कोड-209401 के पते पर भेजने का अनुरोध किया गया है।

अतः उक्त मांगी गई सूचना आवेदक के पत्र में अंकित पते पर भेजने का कष्ट करें।  
संलग्नक- यथोपरि।

भवदीय

  
(पी०पी० सिंह)

मुख्य वन संरक्षक/ प्रभारी वन संरक्षक  
बुन्देलखण्ड वृत्त, झांसी

पृष्ठांकन संख्या 3530/सम दिनांक।

प्रतिनिधि- श्री धनई पुत्र स्व० बिन्दे, निवासी-1045, नारों घाट, कोटरा जिला, जालौन को उनके प्रार्थना पत्र दिनांक 07.05.2022 के कम में अस आशय से प्रेषित कि उपरोक्तानुसार सूचना सम्बन्धित से प्राप्त करने का कष्ट करें, आपका प्रार्थना पत्र उक्तानुसार सम्बन्धित को भेज दिया गया गया है।

  
(पी०पी० सिंह)

मुख्य वन संरक्षक/ प्रभारी वन संरक्षक  
बुन्देलखण्ड वृत्त, झांसी

  
True copy