

Item No. 02

(Court No. 1)

BEFORE THE NATIONAL GREEN TRIBUNAL

(By Video Conferencing)

Appeal No. 23/2021
(I.A. No. 186/2021)

Pramod

Appellant

Versus

State of Uttar Pradesh & Ors.

Respondent

Date of hearing: 21.10.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Appellant: Mr. Ajit Sharma, Advocate

ORDER

1. This appeal has been preferred against order dated 17.09.2021 granting Environmental Clearance (EC) by SEIAA, U.P. for Sand/Bajri/Boulder mining from Yamuna riverbed at Gata No. 1/1/1, Laat No. 38, village Nuniyari Aehatmal, Tehsil Behat, Saharanpur, U.P. - M/s. Shanti Enterprises, Area-24.29 ha.

2. Main contention in support of the appeal is that requisite replenishment study has not been conducted before grant of EC which was required under the law, as held by this Tribunal vide order dated 06.04.2021 in OA No. 90/2020, *Pramod v. State of Uttar Pradesh & Ors.* filed by the appellant. The appellant has also relied upon Chapter 5 of the Sand Mining Guidelines, 2020 issued by MoEF&CC to the effect that sand mining can be permitted only after conducting replenishment study. The appellant has also raised issue of validity of Cluster

Certificated dated 16.09.2020, absence of permission for extracting ground water, Consent to Establish from the State PCB under the Air (Prevention & Control of Pollution) Act, 1981 and Water (Prevention & Control of Pollution) Act, 1974, mining being permitted within the river and absence of due diligence about the background of project proponent.

We find it necessary to seek response of the project proponent and SEIAA, U.P. Issue notice to SEIAA, U.P. and the project proponent by email. The applicant may serve a set of papers on SEIAA, U.P. and the project proponent and file affidavit of service within one week. They may file their response within one month.

List for further consideration on 07.01.2022.

I.A. No. 186/2021 is procedural and is allowed.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

October 21, 2021
Appeal No. 23/2021
AVT