

Item No.01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Appeal No.03/2025/EZ  
(I.A. No.35/2025/EZ & I.A. No.36/2025/EZ)

Ras Mohan Thakur

Appellant(s)

Versus

State Expert Appraisal Committee (SEAC),  
Bihar & Ors.

Respondent(s)

Date of hearing: 27.03.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Appellant(s) : Mr. Rajat Sangwan, Advocate (in Virtual Mode)

**ORDER**

1. Heard Mr. Rajat Sangwan, learned Counsel appearing (in Virtual Mode) for the Appellant.
2. The Appellant herein is seeking quashing of the Common Environmental Clearance dated 17.01.2025 granted by State Environment Impact Assessment Authority (SEIAA), Bihar, in favor of Respondent No.6, Mr. Sandeep Chandak for Sand Blocks 3, 4 and 5 namely Sand Mining Project Units-II on the Cheer River, District Banka, Bihar, covering an area of 67 hectares.
3. The case of the Appellant is that the Environmental Impact Assessment (EIA) Notification, 2006, does not contemplate the issuance of a common EC for multiple independent sand mining blocks in as much as each block, even if a part of a cluster, requires a separate EC and therefore, grant of a single EC for three distinct and independent sand blocks is entirely impermissible and illegal.

4. It is alleged that the three Sand Blocks do not fall in a Cluster, (i.e. they are not within 500 m of each other, and it is stated that the DSR for District Banka categorically states that there are no mines in a Cluster and even the Terms of Reference (TOR) or EIA Study in favour of the Respondent No.6 does not state so.
5. It is stated that the contention of the Appellant is that for mines that fall in a Cluster, a common Public hearing and EIA Study is contemplated under the EIA, 2006 but the Application for grant of EC, TOR and the EC itself are always independent for each Sand Ghat/Blocks even in a Cluster.
6. Matter requires consideration.
7. Issue notice to the Respondents, returnable within four weeks.
8. Mr. Surendra Kumar, learned Counsel who is present in Court, accepts notice on behalf of the Respondent Nos.3 and 4, State Respondents, Government of Bihar. Learned Counsel prays for and is granted four weeks time for filing counter-affidavit.
9. Ms. Anamika Pandey, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.2, State Level Environmental Impact Assessment Authority (SEIAA), Bihar.
10. We find that the Respondent No.1, State Expert Appraisal Committee (SEAC) is not a necessary party to the present proceedings as it is only a recommendatory body.
11. We are also of the view that since the Environmental Clearance (EC) under challenge has been issued by SEIAA, therefore, Union of India, Ministry of Environment, Forest and Climate Change (MoEF&CC) is not a necessary party to the present proceedings.
12. We, therefore, direct the Appellant to delete the Respondent Nos.1 and 5 from the array of Respondents in the course of the day.

13. Issue notice to the Respondent No.6, Sandeep Chandak, returnable within four weeks.
14. All the Respondents shall file their counter-affidavits within four weeks.

**I.A. No.36/2025/EZ**

15. Interlocutory Application No.36/2025/EZ has been filed by the Appellant seeking condonation of delay of one day in filing the present Appeal. The cause shown in the application is found to be sufficient.
16. The delay in filing the Appeal is condoned.
17. The I.A. No.36/2025/EZ is therefore disposed of accordingly.

**I.A. No.40/2025/EZ**

18. Interlocutory Application No.40/2025/EZ has been filed by the Appellant for taking additional documents on record. Let the documents be taken on record.
19. I.A. No.40/2025/EZ is accordingly allowed and disposed of.
20. The Counsel for the Appellant shall serve e-copy/soft copy of the Appeal along with all its annexures upon Mr. Surendra Kumar and Ms. Anamika Pandey, learned Counsel for the Respondents, within 24 hours.
21. **List on 02.07.2025.**

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**B. Amit Sthalekar, JM**

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**Dr. Arun Kumar Verma, EM**

March 27, 2025,  
Appeal No.03/2025/EZ  
(I.A. No.35/2025/EZ  
&  
I.A. No.36/2025/EZ)  
OM