

Item No. 02

Court No. 1

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

(By Video Conferencing)

Appeal No. 41/2022
(I.A. No. 252/2022 to I.A. No. 254/2022)

Ishita Foundation

Appellant

Versus

Ministry of Environment, Forests and
Climate Change & Ors.

Respondent(s)

Date of hearing: 12.10.2022

**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
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Appellant: Mr. Manoj Kr. Prasad, Senior Advocate with Mr. Akshay Singh, Advocate

ORDER

1. This appeal has been filed against three ECs for mining in favour of three different parties. Apart from the fact that there are separate causes of action which cannot be clubbed in one Appeal, the Appeal against ECs dated 21.05.2019 and 15.01.2021 is barred by limitation. Period by which limitation can be extended by this Tribunal has also expired.

2. Accordingly, qua ECs dated 21.05.2019 and 15.01.2021 will stand dismissed as time barred and not maintainable.

3. However, with regard to EC dated 11.08.2022 in favour of M/s Tesmus Trading Private Limited in respect of sand mining project on Yamuna River area at Gata No./Khasra No. 61 to 69, 86 to 92, 93Mi, 94Mi, 98Mi and 99Mi (Khand No. G.M.-1), in Village Ghadiwa Majhigawan, Tehsil Khaga, District Fatehpur, admeasuring 25.00 hectare with annual quantity of 2,50,000 cubic meter, contention of the appellant is that the requisite procedure such as preparation of DSR, Mining Plan, EIA, EMP and public hearing have not been followed.

4. We find it necessary to seek response of SEIAA UP and the Project Proponent (PP) - M/s Tesmus Trading Private Limited.

5. Let the said parties file their response within two 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. The applicant may serve a set of papers on SEIAA UP and M/s Tesmus Trading Private Limited and file affidavit of service within one week.

6. I.A. No. 252/2022 is for interim relief. We do not find any ground ad-interim relief at this stage. Thus, I.A. No. 252/2022 will stand disposed of. I.A. No. 253/2022 is for exemption from filing English translation will also stand disposed of in view of order passed on merit. I.A. No. 254/2022 is for condonation of delay will also stand disposed of in view of the main order.

List for further consideration on 16.01.2023.

A copy of this order be forwarded to SEIAA UP and M/s Tesmus Trading Private Limited by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

October 12, 2022
Appeal No. 41/2022
(I.A. No. 252/2022 to I.A. No. 254/2022)
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