

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

(By Video Conferencing)

Original Application No. 186/2019

(With report dated 18.06.2020)

Jagriti Sansthan

Applicant(s)

Versus

State of Uttar Pradesh & Ors.

Respondent(s)

Date of hearing: 16.07.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondent(s): Mr. Daleep Dhyani, Advocate for UPPCB

ORDER

1. The issue for consideration is the remedial action against illegal extraction of groundwater for washing silica sand without obtaining necessary NOC from the Central Ground Water Authority (CGWA) in Shankargarh Block, Allahabad District, Uttar Pradesh.

2. The matter was last considered on 07.01.2020 in the light of earlier proceedings and report dated 03.01.2020 by the Divisional Commissioner, Prayagraj mentioning the status of action taken with reference to the action plan on the subject. The Tribunal directed as follows:-

“5. The units not having NOC for ground water or consent may not be allowed to operate unless NOC as well as consent are given. NOC should be given after ensuring that the ground water will be

duly recharged and consent should be given after necessary study of the ground situation, including the carrying capacity of the area.

6. *The Divisional Commissioner may file status report as on 31.03.2020 before the next date by email at judicial-ngt@gov.in.*”

3. Accordingly, further report has been filed by the Divisional Commissioner, Prayagraj on 18.06.2020 *inter-alia* stating as follows:-

“In respect of 61 units Environmental Compensation has been imposed in the month of August 2019 by permission of competent authority @7.25 lacs. However with regards to the 09 units no process to issuing Environmental Compensation has been taken place as they have been already found closed. It is submitted by the Regional Officer, UP Pollution Control Board, Prayagraj vide its letter no. GOO 258/OA No. 186/2019-20 dated 19.06.2020 that 60 recovery certificates out of 61 units has been issued against illegal silica washing plants and remaining one is under process and same will be issued.”

4. From the above, it is clear that 60 recovery certificates have been issued and one is under process. No process has been initiated with regard to 9 units on the ground that those had already been closed. We are of the view that mere closure will not wipe out their liability for the violations already committed. The Divisional Commissioner, Prayagraj may ensure further action for recovery compensation from all the violators following due process of law.

The application is disposed of.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Satyawan Singh Garbyal, EM

Dr. Nagin Nanda, EM

July 16, 2020
Original Application No. 186/2019
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