

**BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI
(COURT III)**

Original Application No. 294/2013

(M.A. No. 871/2013)

And

Original Application No. 295/2013

(M.A. No. 872/2013)

And

Original Application No. 296/2013

(M.A. No. 873/2013)

And

Original Application No. 297/2013

(M.A. No. 874/2013)

And

Original Application No. 298/2013

(M.A. No. 875/2013)

Bhagwati Singh V/s State of U.P. & Ors.

And

Ashok Kumar V/s State of U.P. & Ors.

And

Kaliyan Singh V/s State of U.P. & Ors.

And

Virendra Singh V/s State of U.P. & Ors.

And

Hari Om Singh V/s State of U.P. & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Applicant / Appellant : Appearance not given

**Respondents No. 1 & 2 : Ms. Savitri Pandey, Adv. along with
Mr. Pradeep**

Date and Remarks	Orders of the Tribunal
Item No. 2 to 6 October 22, 2013	Heard. Perused. These Applications have been moved by the group of brick makers seeking directions to the Respondent No. 2 (SEIAA) to decide their Applications for grant of Environmental Clearances for the purpose of soil/ clay mining at different places in Districts of Bulandshehar and Aligarh, UP.

The Applicants submit that they had moved their Applications for grant of EC before the Respondent NO. 2 sometime in November, 2012 and yet the Respondent No. 2 did nothing in the matter. Learned Counsel appearing for the Respondents submits that initially these Applications were made for environmental clearance to manual mining of soil/clay, which did not warrant the EC; and this fact was known to the Applicants, the same being published on the website. She submits, on instructions from Mr. O. P. Verma, Secretary of SEIAA that the change in mode of mining from manual to mechanical was not suggested initially by the Applicants but was suggested on 9th October, 2013 some two days prior to the dissolution of the State Environment Impact Assessment Authority (SEIAA); and for this reason the Applications could not be dealt with effectively. She further submits that the term of SEIAA has come to an end on 12th October, 2013 and an application has been moved for its re-constitution on 25th September, 2013 to the State of U.P, and after the State of UP deals with said Application and makes a proposal to the MoEF for re-constitution of the SEIAA there is good prospect for the reconstitution of SEIAA. She makes further statement on instructions that no sooner such SEIAA is re-constituted the Applications moved by the Applicants for grant of EC which are complete in all respect, shall be taken up for due consideration in the first meeting of the SEIAA and shall be expeditiously disposed of in accordance with law.

Prospect of expeditious disposal of Applications thus rest on re-constitution of the SEIAA. Learned Counsel appearing for the Applicants invited our attention to our order dated 8th October, 2013 passed in Original Application No. 285 of 2013: Nirankar Singh Vs. Govt. of India & Ors., and submits that in one such similar matter concerning grant of EC to the proposed sand mining projects this Tribunal had passed the following directions:

“Learned Counsel for the Applicant would contend that the term of period of the SEIAA in the State comes to an end by 12.10.2013 and by the lethargic attitude of the Respondent No. 2 in keeping the application pending for nearly one year, there is every possibility for the SEIAA whose term expires on 12.10.2013 to direct the Applicant to

make fresh application which may be detrimental to the interest of the Applicant. There is also possibility to the MoEF to direct the Applicant to make fresh application even though it is pending for one year. It is his submission that for the delay caused by the MoEF, the Applicant cannot be unnecessarily penalised. We definitely see some reason in the said argument raised by the Learned Counsel for the Applicant. However, the Learned Counsel for the MoEF would clearly submit that the Government of UP has already taken steps to send necessary proposal for the purpose of reconstitution of SEIAA and as soon as such proposal is received, the MoEF will immediately pass necessary orders approving the reconstitution so as to enable the SEIAA to consider the pending applications. Learned Counsel for the UP Government would also submit that on such approval by the MoEF for reconstitution of the Committee, the application dated 14.09.2012 of the Original Applicant will be taken on priority basis and necessary orders will be passed. In such a view of the matter, we dispose of the application with a direction to the State Government of UP to send its proposal for the purpose of reconstitution of SEIAA to the MoEF for its approval within a period of two (2) weeks from today and thereafter the MoEF shall pass necessary orders of approving reconstitution of the Committee within two (2) weeks. On such approval, the SEIAA shall take up the application of the Original Applicant dated 14.09.2012 and pass appropriate orders in accordance with law within a period of four (4) weeks.

This application stands disposed of in the above terms. All the miscellaneous applications filed in this Application are accordingly disposed of.”

He states that the Respondent No. 1 State of U.P is thus under obligation to take expeditious steps for reconstitution of SEIAA and correspondingly the MoEF remains under obligation to pass necessary orders for reconstitution of the committee within two weeks therefrom.

We, therefore, hope and trust that there would be reconstitution of the said committee within four weeks from 8th October, 2013 and the Applications for grant of EC shall be disposed of by re-constituted committee in its first meeting

in accordance with law.

Relying on these statements the Applicants submit that the purpose of these Applications has been served as the Respondents would dispose of their Applications expeditiously as per their statements in accordance with law. In view of the statements made by the Respondents these Applications along with Miscellaneous Applications stand disposed of accordingly.

.....,JM

(U.D. Salvi)

.....,EM

(Ranjan Chatterjee)

