

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

Original Application No. 883/2024

News Item titled "Experts flag large-scale clearing of vegetation in Mirzapur forest" appearing in The Hindustan Times dated 03.07.2024

Date of hearing: 23.07.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. This Original Application is registered *suo-motu* on the basis of the news item titled "Experts flag large-scale clearing of vegetation in Mirzapur forest" appearing in The Hindustan Times dated 03.07.2024.

2. The matter relates to the large scale clearing of a deemed forest area in Mirzapur, Uttar Pradesh for a thermal power project being developed by the Adani Group. As per the article, environmentalists have highlighted large-scale clearing of vegetation using heavy machinery, and construction of roads and other structures in a forested area adjoining Dadri Khurd in Marihan Range of Mirzapur Forest Division of Uttar Pradesh.

3. The article states that the area was to be notified a forest in 1952, but wasn't, and now risks being developed under the terms of The Forest Conservation Amendment Act or the Van (Sanrakshan Evam Samvardhan) Adhiniyam 2023 which exempts unrecorded deemed forests altogether from its purview, paving way for their diversion for various infrastructure and other projects.

4. The article highlights that this area is part of the proposed Sloth Bear Conservation Reserve and is a crucial habitat for exceptionally rich and threatened wildlife of the savannah and tropical dry deciduous hill forests of the unique Vindhyan-Kaimoor ecosystem. This ecosystem also includes at least 24 terrestrial animals listed in Schedule I of the Wildlife Protection Act 1972. Species documented in the area include Sloth Bear, Leopard, Bengal Fox, Striped Hyena, Asiatic Wild Cat, Rusty Spotted Cat, Sambar, Chinkara, Blackbuck and Mugger Crocodile. The range is also a haven for birding, with grassland species such as the Indian Courser, Yellow-Wattled Lapwing, Sandgrouse, Savannah Nightjar and several other species, many of which are endemic, threatened, and migratory.

5. The article also brings to light that the same site was once proposed for a 1320 MW Coal-based Thermal Power Plant by M/S Welspun Energy UP) Pvt Ltd, which was later transferred to Mirzapur Energy (UP) Pvt Ltd. When the project was still with Welspun Energy, **its environmental clearance was set aside by the Principal Bench of the National Green Tribunal in Debadityo Sinha v. Union of India on December 21 2016, with a direction to restore the site to its original condition.** Mirzapur Thermal Energy (UP) Private Limited (MTEUPPL), a subsidiary of Adani Power Limited has now applied for fresh terms of reference (TOR). The proposal states it's for a 2x800 MW Coal based Ultra Super Critical Thermal Power Project (TPP).

6. It is further stated that the entire area of approximately 1000 acres where the project is proposed is surrounded by notified Reserve Forest in all directions and is located deep inside the Marihan Forest Range of the Mirzapur Division. This area is significantly important for wildlife and catchment of several rivers which flows and originate right inside the project site.

7. The above news item indicates violation of the provisions of The Environment (Protection) Act, 1986 and Forest (Conservation) Act, 1980.

8. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.

9. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

10. Hence, we implead following as respondents in this matter:

(i) Principal Chief Conservator of Forest, Uttar Pradesh, Principal Chief Conservator of Forests, Govt. of Uttar Pradesh, 17, Rana Pratap Marg, Lucknow, (Uttar Pradesh)- 226001

(ii) Chief Wildlife Warden, Uttar Pradesh, 17, Rana Pratap Marg, Lucknow 226001, Uttar Pradesh

(iii) Ministry of Environment, Forest and Climate Change, Through its Regional Office, Integrated Regional Office, Kendriya Bhawan, 5th Floor, Sector "H", Aliganj, Lucknow – 226020

(iv) District Magistrate, Mirzapur, Rambagh Rd, Ramaipatti, Mirzapur, Uttar Pradesh 231001

11. Issue notice to the above Respondents for filing their response atleast one week before the next date of hearing.

12. List on 25.10.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 23, 2024
Original Application No. 883/2024
AS.