

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
BENCH, PUNE**

Appeal No.39/2016 (WZ)

In the matter of:-

Kisan Sangharsh Samiti Vs M/s. Ambuja Cement Ltd. & Ors

**CORAM: HON'BLE MR. JUSTICE U. D. SALVI, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

Present:

Applicant	: Mr. Asim Sarode, Adv.
Respondent No.1	: Mr. Joy Basu, Sr. Adv. a/w Mr. Shailendra Pathak, Adv. Mr. Abhinav, Adv.
Respondent No.2	: Mr. Rahul Garg, Adv.
Respondent GPCB	: Ms. Supriya Dangare, Adv. h/f Mr. Viral Shah, Adv.

Date and Remarks	Orders of the Tribunal
Item No.14 20th September, 2017 Order No.14	<p>Learned Counsel appearing on behalf of the Applicant expresses concerns in respect of the following facts:</p> <ul style="list-style-type: none">(a) The public hearing was faulty and inappropriate inasmuch as the cognizance of the grievances made in the public hearing was not taken;(b) the area where the mine is situated is within 10 kms of eco-sensitive zone from Gir National Park and Gir Sanctuary;(c) that the area where the mine is situated is at a distance of 8 metres from CRZ-III and CZMP map have not been prepared yet;(d) the mine is situated in forest area; and(e) that the condition permitting blasting has been incorporated in the EC by oversight. <p>He, therefore, seeks CD of the public hearing to be placed on record for the purposes of demonstrating how the public hearing was conducted.</p> <p>Learned Counsel appearing on behalf of MoEF concedes to the fact that the condition permitting the blasting in the mining area was incorporated in EC in question due to oversight vide paragraph No.5 of the Reply dated 15th September, 2016.</p> <p>Learned Counsel appearing on behalf of Respondent No.1- M/s Ambuja Cement Ltd. submits that there is a material on record to</p>

**Item No.14
20th**

September,
2017
Order No.14

substantiate that none of the contentions raised at (a), (b), (c), (d) and (e) are correct. On the contrary, he submits that there is material to show that the mining area does not fall in forest as well as it is at distance of 22 kms from Gir Sanctuary and 24 kms from Gir National Park. He adds that even by liberal consideration it can be seen that the mining area is at distance of 2 kms from the seacoast and, therefore, the rigours of CRZ Notification, 2011 would not arise. He further submits that he is prepared to get the specific condition permitting blasting deleted from the EC by the MoEF. He submits that there has been no blasting in the mining area as it was not its case that it wanted blasting.

We, therefore, direct GPCB to produce the CD within a week with a copy to the contending parties. The Applicant may consider the material on record as claimed by the Respondent No.1 and may assess the possibility of working out the appeal by consent of the parties.

List the case on 17th October, 2017.

....., JM
(Justice U. D. Salvi)

....., EM
(Bikram Singh Sajwan)