

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

**Original Application No. 42 of 2015 (EZ)  
( M.A. No. 131/2015 (EZ) )**

**M/s. I.D.I.O. Construction and Industries (India) Limited  
Vs  
Union of India & Ors.**

**CORAM : HON'BLE JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER**

**Present: Applicant in OA Mr. Bibhu Prasad Tripathy, Adv.  
Respondent No. 1 : Mr. Vishwendra Verma, Adv. for MoEF**

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<b>Item No. 04  June 03, 2015</b>	<p>We have heard the Learned Counsel appearing for Applicant Mr. Tripathi.</p> <p>The Applicant's unit is stated to be a mining lessee having a lease which is valid upto 30 years to a total extent of 48.92 acres in Pargana Kajra, Thana; Surajgarh, District Lakhisarai, Bihar. According to the Applicant, he is the existing unit and have started in the year 2002 and therefore he is not bound by the provisions of EIA Notification, 2006. Unfortunately, in this case SEIAA has given a communication to MoEF expressing its doubt about the applicability of EIA Notification, 2006 to the Applicant and it is also the case of the pollution control board. It is not understandable when the Hon'ble Supreme Court of India in the case of "Sri Deepak Kumar etc. Vs. State of Haryana and Ors. SLP(C) No. 19628-19629 of 2009 dated 27<sup>th</sup> February, 2012" has held in no uncertain terms that for the mining operation, as long as environmental issue is involved Environmental Clearance is necessary until and unless the State Government make necessary amendment and inspite of this the Statutory</p>

Authority are seeking opinion from the MoEF as to whether EIA notification is applicable or not. Even, the Applicant is not certain about the applicability of the EIA notification. However, in the alternate prayer, he has made that the EIA notification is applicable and he may be permitted to proceed with his application which is pending before the MoEF. It is seen that Pollution Control Board as well as the Mining Department have closed the unit and as on date the unit is not in operation. In such view of the matter and taking note of the decision taken by the Hon'ble Supreme Court of India in the case of "Sri Deepak Kumar etc. Vs. State of Haryana and Ors.", we have no doubt that EIA Notification is applicable to the applicant's unit. As per the Applicant, he has made application to the MoEF on 8.5.2015. Learned Counsel appearing for the applicant would fairly submit that if a direction is given to the MoEF to consider the application on merit and pass appropriate orders the same will be sufficient to meet the ends of justice. Learned Counsel appearing for the MoEF would submit that the application will be considered on merit. Accordingly the application no. 42/2015(EZ) Stands disposed of with a direction to the MoEF to consider the application for environmental clearance filed by the applicant on 8.5.2015 and pass appropriate order in accordance with law scrupulously within the statutory period contemplated in the EIA Notification, 2006.

With the above said direction, Application No. 42/2015(EZ) stands ordered.

Since the original application is disposed of, M.A.

		No. 131/2015(EZ) also stands disposed of.  <p>.....,JM (Dr. P. Jyothimani)</p> <p>.....,EM (Prof. A.R. Yousuf)</p>
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