

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

Original Application No. 726/2018
(M.A. No. 1632/2018)

Rupesh Pethe

Applicant(s)

Versus

State of M.P. & Ors.

Respondent(s)

(M.A. No. 1632/2018 for stay)

Date of hearing: 26.07.2019

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

For Applicant(s): Mr. Gaurav Chaudhary, Advocate

For Respondent (s): Mr. Suryanarayan Singh, Sr. Advocate with Mr. Ankit Verma, Advocate

ORDER

Grievance in this application is against illegal sand mining taking place in District Hoshangabad, Madhya Pradesh. Though, particular grievance of the applicant is against respondent No. 2, Sarpanch of village Vikashkhand Babai, the material on record suggests that the regulatory regime under the Mineral Policy of 2017, does not meet the mandate of law laid down by the Hon'ble Supreme Court in *Deepak Kumar v. State of Haryana & Ors.*, (2012) 4 SCC 629 and by this Tribunal vide order dated 04.09.2018 in *Original Application No. 186/2016 - Satendra Pandey v. Ministry of Environment, Forest & Climate Change & Anr.* The mining lease has to be granted only after Environment Management Plan is reviewed by the State Environment Impact Assessment Authority (SEIAA)

following the Sustainable Sand Mining Guidelines, 2016 of the MoEF&CC of the year 2016. The matter has also been dealt with by an order today in *Original Application No. 360/2015, National Green Tribunal Bar Association v. Virender Singh (State of Gujarat)* in the light of earlier proceedings on 05.04.2019.

The stand of respondent No.2 is that applicant himself is engaged in illegal mining.

In view of the above, we direct the State of Madhya Pradesh to file an affidavit by the Principal Secretary, Mineral Resources, Madhya Pradesh explaining how mining leases are being allowed to be granted in violation of law. The State of Madhya Pradesh may ensure compliance of the judgement of the Hon'ble Supreme Court in *Deepak Kumar (Supra)* and of this Tribunal in *Satendra Pandey (Supra)* and permit mining only after Environment Management Plan is approved by the SEIAA. The Principal Secretary, Mineral Resources may furnish a factual and action taken report in the present case by email at judicial-ngt@gov.in.

List for further consideration on 31.10.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

July 26, 2019

Original Application No. 726/2018, (M.A. No. 1632/2018)

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