

Item Nos. 04&05

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 79/2019 (EZ)

[I.A. No. 78/2019 (EZ)]

WITH

Original Application No. 80/2019 (EZ)

Shri Shivdani Paswan

Applicant(s)

Versus

The Union of India & Ors.

Respondent(s)

WITH

Bhupesh Narayan

Applicant(s)

Versus

The Union of India & Ors.

Respondent(s)

Date of hearing: 06.01.2020

**CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Applicant(s):

Mr. Brijender Chahar, Sr. Adv, Mr. Shashi
Bhushan and Mr. Karan Chahar, Adv (in O.A.
No. 79/2019)
Mr. Malak Bhatt, Mr. Atreyo Banerjee, Advs
(In O.A No. 80/2019)

For Respondent (s):

Mr. Rajesh Kumar and Mr. Tarique
Quasimuddin, Adv for R-4 to 8.
Mr. Gora Chand Roy Choudhury, Adv for R-1
Mr. Surendra Kumar, Adv for R- 2,4&5
Ms. Anamika Pandey, Adv for R-3
Ms. A. Pandey, Adv for R-6

ORDER

1. By order dated 20.11.2019, the District Magistrates of Jamui and Lakhisarai Districts had been directed to inspect the area in question and to submit a report after verification of the facts as well as a report on the action taken. Similar directions were also issued upon the State Pollution Control Board further directing them to ensure that no further mining operation takes place, if such operations were being carried out in violation of the environmental conditions.
2. No report has been filed by either the State Pollution Control Board or the District Magistrate. The order was reiterated on 11.12.2019 listing today for consideration which was the original date fixed on 20.11.2019.
3. On behalf of the State Pollution Control Board, it is submitted that report has been sent by email but such report is not available in the records which belies the submission.
4. Learned Counsel appearing on behalf of the District Magistrates of Jamui and Lakhisarai District prays for two weeks further time to do so. The learned Counsels for both the District Magistrates and the State Pollution Control Board submit that inspection had been carried out on 14.12.2019, 15.12.2019, 19.12.2019, 20.12.2019 and 24.12.2019 in respect of 33 ghats out of 40 alleged in the application.

5. We are, however, unable to understand as to how inspection were carried out only in the month of December when the order was passed on 11.12.2019 and that no report has been filed in respect of such inspections. We, therefore, find it reasonable to infer that the District Magistrates and the State Pollution Control Board have taken the directions of the Tribunal lightly and have been casual in their response when the matter concerned is of serious nature. Therefore, we direct the District Magistrates of Jamui and Lakhisarai District and the Member Secretary, State Pollution Control Board to pay penalty of Rs. 50,000/- each to the satisfaction of the Central Pollution Control Board and be present in person before us on the next date.

6. The Respondent no. 7 in whose favour the environmental clearance has been granted shall also show cause as to why the environmental clearance should not be directed to be cancelled.

7. List on 11th February, 2020.

S.P. Wangdi, JM

Dr. Satyawan Singh Garbyal, EM

Siddhanta Das, EM

6th January, 2020
O.A. Nos. 79/2019 (EZ) & 80/2019 (EZ)ag