

Item No. 02

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

Original Application No.33/2024(CZ)

Gaurav Jain

Applicant(s)

Vs

State of Madhya Pradesh & Ors.

Respondent(s)

Date of Hearing: **27.02.2024**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. SATYAGOPAL KORLAPATI, EXPERT MEMBER**

For Applicant (s): Mr. Dharamvir Sharma, Adv.

For Respondent(s):

ORDER

1. Application has been preferred for the preservation and conservation of Forest area, since illegal and non-forest activities and non compliances of EC & FC conditions are being done while execution of the project by Respondent Larsen & Toubro Limited (Project Proponent) along with Narmada Valley Development Authority, State of MP which is being done in the forest land violating norms, conditions of Forest Conservation Act 1980, Bio-Diversity Act 2002 and Environment Protection Act 1986, Air (Prevention and Control of Pollution) Act 1981, Groundwater Rules. The PP are in violation of Forest Conservation Act 1980 by disposing off waste collected during the excavation property as the same is being dumped in the nearby forest area, without any covering, causing air pollution in the vicinity. The PP has laid down pipeline in non-compliance, by reducing the depth from the ground level. The PP is also in violation of the mentioned FC & EC conditions, including construction of pump house in forest area, carrying out the scheme of compensatory afforestation only for the namesake, dumping the excavated soil in open without any mitigation

measures as well as not taking NOC/clearances from the affected villages and joint forest management committee. The violations and omission by the Respondents have caused significant harm to the flora and fauna of the forest area, and has also affected the livelihood and sustenance of the indigenous people. The acts/omissions of PP have utterly failed in taking care of living animals' habitats, being hazardous and inherently dangerous.

2. The main contention of the Learned Counsel for the applicant is plantation in the area and its survival of the plants in addition to the non compliance of the general condition of EC with regard to the pipeline which is required to be laid down 1.5 meter below the ground and as per the contention of the Learned Counsel for the applicant these general conditions are not being observed by the Project Proponent.
3. A substantial issue of environment has been raised.
4. Issue notice to the respondents, returnable within four weeks. Respondents are directed to submit their reply within Six weeks through E-filing portal, preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
5. Applicant is directed to take necessary steps for service to the respondents by both ways and also on available email.
6. We deem it just and proper to call a report on the matter in issue in present Original Application, from a Joint Committee consisting of:-
 - i. One representative from District Collector, Khargone (M.P.)
 - ii. One representative from DFO, Forest Division, Shajapur (M.P.)
 - iii. One representative from MoEF&CC, Regional Office at Bhopal
 - iv. One representative from Central Pollution Control Board, (M.P.).
 - v. One representative from Madhya Pradesh Pollution Control Board

7. The Committee is directed to visit the place and submit the factual and action taken report within six weeks. The State PCB will be the nodal agency for coordination and logistic support.
8. Applicant is directed to supply the copy of the application and relevant documents to the Committee and Respondent(s) within a week and after compliance of service, the applicant has to submit an affidavit that the notice and copy of the application have been served upon the Committee and respondent(s).
9. The report in the matter be filed by the Committee through email at ngtczbbho-mp@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List it on **16th April, 2024.**

Sheo Kumar Singh, JM

Dr.Satyagopal Korlapati, EM

27th February, 2024
O.A. No. 33/ 2024(CZ)
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