

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

Original Application No. 491/2022
(I.A. No. 426/2023)

Abhishek Pandey

Applicant

Versus

Ministry of Environment, Forests and
Climate Change & Ors.

Respondent(s)

Date of hearing: 05.10.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Vikas S. Singh, Adv.

Respondent: Mr. Raj Panjwani, Senior Advocate with Mr. Rahul Verma, Adv. for M/s
R.K. Transport & Construction Ltd. (PP)
Mr. Gigi. C. George, Adv. MoEF & CC (R - 1)
Mr. Sachin K. Verma, MP SEIAA

ORDER

1. The issue raised by the learned Counsel for the applicant during the course of argument is twofold. Firstly, the private respondent is carrying out the mining activity in contravention of the Notification dated 13.12.2016 as the leased mining area falls within 1 km from the boundary of the Son Gharial Wildlife Sanctuary which is an Eco-Sensitive Zone. The second issue raised by the Counsel for the applicant is that the mining is being done in the main stream of river bed, which is not permissible. His submission is that Respondent No. 17 has obstructed the flow of main stream of the river by constructing a sand bridge thereon.

2. Shri Raj Panjwani, Senior Advocate for Respondent No. 17 has submitted that the lease mining area is situated 950 mtrs. away from the boundary of the Eco-Sensitive Zone and that the sand bridge was

constructed prior to 27.02.2020 i.e. prior to grant of lease to Respondent No. 17. His further submission is that the mining was done in compliance of the conditions of EC.

3. It is not in dispute before the Tribunal that the mining lease granted to Respondent No 17 has come to an end in June, 2023 and thereafter, as per the stand of Respondent No. 17, no further mining is being done by it.

4. The maps on Page Nos. 406, 407 and 420 of the paper-book depict that the mining area falls within the State of Uttar Pradesh. Therefore, this aspect needs clarification. The issue of mining area falling within prohibited zone needs further factual clarification.

5. To ascertain the correct position, we deem it proper to call for a report from the Member Secretary, SEIAA, Madhya Pradesh as also the Wildlife Warden of State of Madhya Pradesh and State of Uttar Pradesh. The SEIAA, MP and the two Wildlife Wardens noted above, will submit their separate report clearly mentioning the distance of the area for which mining lease has been granted from the boundary of the Son Gharial Wildlife Sanctuary. They will also file a coloured map depicting the mining area, Wildlife Sanctuary and Eco-Sensitive Zone along with the relevant geo-coordinates. The report will also clearly indicates whether the sand bridge still exists and whether the sand mining has been done within the main stream of river Son by Respondent No. 17 or any other person. The report will also clearly mention if the lease mining area is falling within the Eco-Sensitive Zone of the Son Gharial Wildlife Sanctuary.

6. Let the report be filed within six weeks by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

7. In the meanwhile, the competent authorities will ensure that no mining operation is being carried out in the area concerned in violation of the Notification dated 13.12.2016.

8. List this matter on 30.11.2023.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

October 05, 2023
Original Application No. 491/2022
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