

Item No. 1

Court No. 2

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

(By Hybrid Mode)

Original Application No. 491/2022

Abhishek Pandey

Applicant

Versus

Ministry of Environment, Forest and
Climate Change & Ors.

Respondent(s)

Date of hearing: 04.01.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. Vikas S. Singh, Advocate

Respondent: Ms. Soumya Priyadarshinee & Mr. Amlaan Kumar, Advocates for the
State of Madhya Pradesh
Mr. Gigi.C.George, Advocate for MoEF & CC
Mr. Sachin K. Verma, Advocate for SEIAA, Madhya Pradesh
Mr. Raghav Sharma, Advocate for MPPCB
Mr. Rahul Verma, Advocate for M/s R.K. Transport & Construction Ltd.
(PP)

ORDER

1. Grievance in this application is against illegal excavation of sand from Son River by obstructing the river stream at Village Thatara, District Singrauli, Madhya Pradesh by Respondent No. 17 – M/s. R.K. Transport and Construction Ltd. It is stated that the Project Proponent (PP) has been granted Environmental Clearance (EC) for sand quarry in prohibited area of Eco-Sensitive Zone of Son Gharial Wildlife Sanctuary. Mining lease has been given without auction and EC has also been illegally given at place where mining is not permissible. Mining is being conducted in violation of

Sustainable Sand Mining Management Guidelines, 2016 and Enforcement & Monitoring Guidelines for Sand Mining, 2020 issued by the MoEF&CC, without the annual replenishment of sand in the mining lease area, sufficient to sustain the mining operations at levels prescribed in the mining plan, mentioned in granted EC.

2. Considering the grounds taken in the application, this Tribunal found it appropriate to obtain a factual report from a joint Committee comprising CPCB, State PCB, District Magistrate, Singrauli and Chief Wildlife Warden, Madhya Pradesh who have submitted report dated 01.11.2022. Though the report was filed more than two months back but no objection to the report has been filed either by the Proponent or by any other respondent. On the contrary, an objection has been filed by the applicant himself. The Project Proponent i.e. Respondent No. 17 is represented before us by Shri Rahul Verma, Advocate. He prays for three days' time to file objections to the report, if any.

3. From the record it is evident that neither any DSR was prepared nor replenishment study was conducted before grant of lease and allowing mining by the Proponent. Further the Proponent made false declaration regarding existence of National Park/Sanctuary/Eco-Sensitive Zone (ESZ) within 10 Kms from the applied /approved quarry. The report also shows that the boundary of the village Thatara where the mining has been allowed is within 950 mtrs. from the boundary of the ESZ and as per the Notification declaring ESZ, such activities are prohibited within 1 Km of the boundary of the ESZ. *Prima facie*, it is evident that EC and mining lease have been granted illegally to the proponent.

4. However, before taking any final decision in the matter, we find it appropriate to have response of the Proponent itself which is represented

through Counsel. We allow the time prayed for submitting objection to the report as also response to their application explaining by the respondent no. 17.

5. State of Madhya Pradesh and SEIAA, Madhya Pradesh are also represented through their Counsels who may also file their objections/response within the aforesaid period. We further consider it necessary to call upon Inspector General, Wildlife, MoEF&CC to provide his views on carrying out mining operation to such extent endangering the habitats of crocodiles and the guidelines of MoEF&CC to these effect. He shall appear in person on the next date.

6. List/put up this matter on 11.01.2023.

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

January 04, 2023
Original Application No. 491/2022
SN