

Item No.09

Court No. 1

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

Original Application No. 837/2018
(M.A. No. 1549/2018)

Sandeep Mittal

Applicant(s)

Versus

Ministry of Environment, Forests & Climate
Change &Ors.

Respondent(s)

Date of hearing: 14.03.2019

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

For Applicant(s): Mr. P. Mishra, Advocate

For Respondent (s):

ORDER

1. The issue for consideration is the monitoring mechanism for compliance of conditions of environment clearance evolved by the Ministry of Environment Forests and Climate Change (MoEF&CC).
2. Vide Order dated 10.1.2019, after considering the stand of the MoEF&CC that a mechanism existed to periodically monitor the compliance of environmental clearance conditions which was being strengthened. The Tribunal directed furnishing of the data in respect of such mechanism. The data furnished is as follows:-

“

Year	Total Number of projects monitored
2013-14	843
2014-15	1141

2015-16	1025
2016-17	1310
2017-18	1458
2018-19	1002
Grand Total	6779

”

3. The above data merely mentions figures of the projects monitored, without mentioning the extent of defaults found and further action taken, in absence of which the effectiveness of monitoring mechanism cannot be assessed. The data furnished is wholly inadequate to evaluate the effectiveness of functioning of mechanism. Adequate mechanism is the mandate of ‘Precautionary Principle’ and ‘Sustainable Development Principle’ to be enforced by this Tribunal. It appears that either the data is being withheld or the response of the officer is otherwise inadequate.

4. In view of above, we direct Dr. Sudheer Chintalapati, Member Secretary (NDS), Joint Director (S) IA Division (Monitoring), MoEF&CC who has furnished the data to remain present in person with the entire relevant data on the next date.

List for further consideration on 29.04.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

March 14, 2019
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PK

