

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

Original Application No. 775/2018

Siyaram

Applicant(s)

Versus

State of Uttar Pradesh

Respondent(s)

Date of hearing: 21.02.2019

**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):

For Respondent (s):

ORDER

1. The issue for consideration is action for enforcing the law against operation of illegal brick kilns in District Balrampur, Uttar Pradesh and also for illegal mining of sand and soil in the adjoining areas for collecting sand as raw material for the brick kilns.
2. Vide order dated 04.12.2018, the Uttar Pradesh Pollution Control Board and the District Magistrate, Gonda were required to furnish a joint report in the matter.
3. Accordingly, report dated 27.01.2019 has been received to the effect that illegal mining was found for which appropriate action was required to be taken. As laid down by this Tribunal repeatedly¹, the

¹ Order dated 04.01.2019 in Threat to life arising out of coal mining in south garo hills district v. State of Meghalaya & Ors., OA No. 110(THC)/2012, Order dated 11.01.2019 in Aryavrat Foundation Vs. M/s Vapi Green Enviro Ltd. & Ors., O.A. No. 95/2018, Order dated 16.01.2019 in Compliance of Municipal Solid Waste Management Rules, 2016, OA

Regulatory Authorities are not only required to prohibit illegal polluting activities but are also required to recover compensation for the damage caused to the environment, apart from prosecution or other steps so as to render polluting activities unprofitable. Failure to do so may call for action against the regulatory authorities themselves. There is nothing to show that such duty has been performed in the present case.

4. Accordingly, we direct a Joint Committee comprising Member Secretary, State Level Environment Impact Assessment Authority (SEIAA), Member Secretary, UPPCB and Deputy Director, Mining Department, UP to jointly assess the quantum of environment compensation to be recovered from the persons responsible for illegal mining by following appropriate procedure within one month. The nodal agency will be the Member Secretary, SEIAA for coordination and compliance.

5. We may also mention that wherever the vehicles found to be involved in illegal mining and are seized, the same may not be released without payment of 50% of the showroom value of such vehicles, as laid down in *Threat to life arising out of coal mining in south garo hills district Vs. State of Meghalaya & Ors., Original Application No. 110(THC)/2012*, vide order dated 04.01.2019.

6. Accordingly, we direct the Joint Committee to assess the compensation to be recovered and further steps to be taken and

furnish a report to this Tribunal within one month by e-mail at ngt.filing@gmail.com.

A copy of this order be sent to the Member Secretary, SEIAA by e-mail for compliance.

List for consideration of the report on 02.05.2019.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

February 21, 2019
Original Application No. 775/2018
DV

