

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

Original Application No. 532/2019
(I.A. No. 379/2019 & I.A. No. 390/2019)

Gagneshwar Singh

Applicant(s)

Versus

Ministry of Environment and Forest & Ors.

Respondent(s)

Date of hearing: 12.02.2020

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

For Respondent(s):

Ms. Anusha Nagaranjan, Mr. Rahul Ranjan,
Advocates for R-2 to 4

ORDER

1. This order may be read in continuation of order dated 22.08.2019. The issue for consideration in this application is regarding the auction of sand/gravel mining in violation of "Sustainable Sand Mining Management Policy, 2016" (SSMMP) issued by the Ministry of Environment, Forest and Climate Change (MoEF&CC) and directions of the High Court and this Tribunal. It is alleged in the application that the Punjab Government has decided to grant mining lease on block wise basis without preparing any district survey report against the SSMMP.
2. The matter was considered by this Tribunal on 22.08.2019 in the light of report dated 09.07.2019 by a joint committee comprising

MoEF&CC, State Environment Impact Assessment Authority (SEIAA), Punjab and the State Pollution Control Board (SPCB) as follows:

“5. The report shows that in several cases leases have been given without following the statutory procedure in accordance with the judgment of the Hon’ble Supreme Court in Deepak Kumar vs. State of Haryana & Ors., (2012) 4 SCC 629 and the SSMMP in preparing District Survey Reports and undertaking replenishment study before any lease is granted.

6. Let the Committee recommend the accountability of the persons concerned and the amount of compensation to be recovered for illegal mining carried out within one month. A copy of such report be also given to the Chief Secretary, Punjab for ensuring compliance as different departments may be involved and remedial action may need to be seen by the Chief Secretary. Statutory authorities may ensure that no further illegal mining is carried out unless statutory procedure is followed. The Department of Mines & Geology may take remedial action which may be overseen by the Chief Secretary. A compliance report may be furnished by the Chief Secretary within three months by e-mail at judicial-ngt@gov.in.”

3. In pursuance of the above, Department of Mines & Geology, Punjab has filed its report on 06.02.2020 on the subject of upgrading District Survey Report and compliance with the Sustainable mining management Guidelines 2016. The report also mentions action taken against illegal mining. It is explained that leases granted are subject to environmental clearance.

4. In view of the above, no further order is necessary at this stage.

The application is disposed of.

Adarsh Kumar Goel, CP

S.P Wangdi, JM

Dr.Nagin Nanda, EM

Siddhanta Das, EM

February 12, 2020
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