

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

Original Application No. 117 of 2014

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Original Application No. 499 of 2014

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Original Application No.102 of 2014

(M.A. Nos. 858/2014,

872/2014, 42/2015, 287/2015, 694/2015, 579/2016, 580/2016 & 581/2016)

Shantanu Sharma Vs Union of India & Ors.

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Anupam Raghav & Anr. Vs. U.O.I. & Ors.

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Sandplast (India) Ltd. & Ors. Vs. MoEF & Ors

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER**

Original Application No. 499 of 2014

Present: Applicant :

Respondent Nos.2-5,10-11: Abhishek Yadav, Adv

Respondent Nos. 6 to 9: Mr. Pradeep Misra and Mr. Daleep Kr. Dhyani, Advs.

Andaman & Nicobar Island : Mr. Sarthak Chaturvedi, Mr. Rohit Pandey and Mr. D. N. Tripathi, Advs.

For State of Meghalaya : Mr. Rayenjam Momo Singh Adv.

For State of TN & TNPCB : Mr. R. Rakesh Sharma, Mr. Marutha Samy, Advs.

For State of Karnataka : Mr. Devraj Ashok, Adv.

CPCB : Mr. Raj kumar, Adv. Ms. Niti Choudhary, LA

For RSPCB : Mr. Shiv Mangal Sharma, AAG and Mr. Saurabh Rajpal, Adv.

Tamil Nadu & TNPCB : Mr. R. Rakesh Sharma , adv. Mr. M. Marutha Samy, Adv

For State of Mizoram : Mr. Ravi Kantpal and Mr. Pragyan Sharma, Advs.

For State of Arunachal Pradesh & PCB : Mr. Anil Srivastava, Mr. Pranav, Rishi Advs.

State of Tripura, JSPCB : Mr. Gopal Singh and Ms. Varsha Poddar, Advs. Mr. Jayesh Gaurav, Adv.

For State of Mizoram : Mr. Ravi Kantpal and Mr. Pragyan Sharma, Mr. Shikhar Garg Advs.

Assam PCB : Mr. Shuvodeep Roy, Adv.

HPPCB : Mr. D. K. Thakur, Adv.

Respondent No. 4 : Mr. K. S. Parihar, Adv.s

HSPCB : Mr. Anil Grover AAG and Mr. Rahul

Khurana

and Mr. Mishal Vij, Advs

State of H. P. : Mr. Suryanarayan Singh, AAG

Respondent No. 3 : Mr. Deepak Anand, Adv.

DPCC : Mr. Biraja Mahopatra, Adv. and Mr. Dinesh Jindel, LO

State of Maharashtra : Mr. Preshit Surshe, Adv.

Original Application No.102 of 2014

Present: Applicant:

Mr. Tasneem Ahmadi, Mr. Shubhi Khare, Advs.

Respondent No. 1

Mr. Vikas Malhotra , Adv.

Respondent No. 3 : Mr. B.V. Niren, Adv.
For Sikkim : Ms. Aruna Mathur, Mr. Avneesh Arputham and Ms. Anuradha Arputham, Advs.
For CPCB : Mr. Rajkumar, Adv. with Ms. Niti Choudhary, LA
For State of Meghalaya : Mr. Upendra Mishra and Ms. Aprajita Mukherjee, Advs.
Respondent No. 17,36,56,78 & 98 Mr. Atul Jha, Ms. Shashi Juneja Adv.
For DPCC : Mr. Biraya Mahopatra and Mr. Dinesh Jindal, LO
Respondent No. 30, 50, 70, 92, 112: Mr. Raman Yadav and Mr. Dalsher Singh, Advs.
Respondent No. 63 : Mr. Mukesh Verma, Adv.
For State of MP : Mr. V.K. Shukla, Adv.
For CECB & RCECB : Ms. Yogmaya Agnihotri, Adv.
For Nagaland PCB : Ms. K. Enatoli Sema, Adv.
For State of Jharkhand : Ms. Priyanka Sinha, Adv.
For MPPCB : Mr. Rajul Shrivastava, Mr. Abhinav Shrivastav Adv.
For MCD : Mr. Balendu Shekhar Adv.
For UT of Lakshdweep : Dr. Abhishek Atrey and Mr. Sumit Razora, Advs.
For State of Gujrat & GPCB: Ms. Hemantika Wahi, Advs.
For Manipur SPCB : Mr. Sapam Biswojit Meitei, Mr. Z. H. Haiding Advs
For M/o. Cool and DGMS : Mr. B.V. Niren, Adv.
For State of Karnataka : Mr. Devraj Ashok, Adv.
For JSPCB : Mr. Jayesh Gaurav, Adv.
For RSPCB : Mr. Shiv Mangal Sharma and Mr. Saurabh Rajpal, Mr. Adhiraj Advs.
: Mr. Shuvodeep Roy Adv. Assam PCB
: Mr. Shuvodeep Roy, Adv.
UT Chandigarh : Mr. Shubham Bhalla, Adv.
For State of Rajasthan,
R-28, 48, 68, 90, 110 & 127 : Mr. Ajay Choudhary, Adv.
.
For UPPCB : Mr. Pradeep Misra, Mr. Daleep Kr. Dhyani, Advs.
For State of Bihar& BSPCB : Mr. Rudreshwar Singh and Mr. Gautam Singh, Adv.
For State of Karnataka : Mr. Devraj Ashok, Adv.
CPCB : Mr. Raj kumar, Adv. Ms. Niti Choudhary, LA
State of Tripura : Mr. Gopal Singh, Ms. Varsha Poddar Advs.
Tamil Nadu & TNPCB : Mr. R. Rakesh Sharma , adv. Mr. M. Marutha Samy, Adv
For RSPCB : Mr. Shiv Mangal Sharma, AAG and Mr. Saurabh Rajpal, Mr. Adhiraj Adv.
Respondent Nos.2-5,10-11: Abhishek Yadav, Adv
For State of MP : Mr. V.K. Shukhla, Adv.
For State of Mizoram : Mr. Ravi Kantpal and Mr. Pragyan Sharma, Advs.
For State of Bihar & BSPCB: Mr. Rudneshwar Singh and Mr. Gautam Singh, Advs.
Respondent No. 109 Mr. Jayant K. Sud and Mr. Honey Khanna, Advs.
State of A. P. Mr. Guntur Prabhakar and Mr. Guntur Pramod Kumar, Advs
Odisha/SPCB Mr. M. Paikaray, adv. Ms. Shruti Sarma Advs.
GSPCB Ms. Puja Singh Adv. for Ms. Hemantika Wahi, Advs.
Respondent No. 169 Ms. Kartika Sharma, and Mr.,Junaid Nahvi, Advs. for JIndal Stainless steel
NBCC : Mr. D. Bhadra, Adv.

Ministry of Railway : Mr. OM Prakash and Dr. Dwala, Adv.
Assam Pollution Control Board Mr. Shurodeep Roy, Adv. Assam
Pollution Control Board
DJB/NDMC Ms. Juhi, Adv. for Ms. Shakhi Popli, Adv.
Nagaland Pollution Control Board Ms. K. Enatoli Scma, Adv.
For Andaman & Nicobar Admn.: Mr. Sarthak Chaturvedi, and Mr. D.N. Tripathi, Adv.
MPPCB Mr. Rajul Shrivastava, Adv.
HSPCB Mr. Anil Grover AAG and Mr. Rahul Khurana
 and Mr. Mishal Vij, Adv
For State of Meghalaya SPCB : Mr. Tayenjan Momo Singh, Adv.
State of Bihar : Mr. Rudeshwar Singh and Mr. Gautam Singh,
 advs.
JSPCB : Mr. Jayesh Gaurav, Adv.
 : Mr. Mukesh Verma, Adv.
Respondent No.4/12/128 : Mr. Sandeep Mahapatra, Mr. Kayesh Beng,
 Adv.
State of Nagaland : Mr. Edwar Belho Mr. K. Luikang Michael and
 Me. Elix Gangme, Adv.
 Mr. Debarsmi Bhuyan and Mr. Santosh Rebello,
 Adv. for State of Goa and SPCB
For State of Mizoram : Mr. Ravi Kantpal and Mr. Pragyan Sharma,
 Mr. Shikhar Garg Adv.
Arunachal Pradesh & PCB : Mr. Anil Srivastava, Mr. Sanyam Saxena Mr.
 Pranav, Rishi Adv.
State of Maharashtra : Mr. Preshit Surshe, Adv.
For MPPCB : Mr. Rajul Shrivastava, Mr. Abhinav Shrivastav,
 Adv.
GSPCB Ms. Puja Singh Adv. for Ms.
 Hemantika Wahi, Adv.
Arunachal Pradesh & PCB : Mr. Anil Srivastava, Mr. Sanyam Saxena Mr.
 Pranav, Rishi Adv.
For UT of Lakshdweep : Dr. Abhishek Atrey and Mr. Sumit Razora,
 Adv.
 : Mr. K. S. Parihar, Adv.
State of Maharashtra : Mr. Preshit Surshe, Adv.
Respondent No. 116 : Mr. Santosh Kumar, Adv.
Respondent No. 106 : Mr. Ravin Dubey and Mr. Rohit Sharma, Adv.
Respondent No. 14 : Mr. Jayant K. Sud and Mr. Honey Khanna,
 Adv.
NDMC and SDMC : Ms. Puja Kalra, Adv.
NDMC : Ms. Juhi adv. for Ms. Sakshi Popli, Adv.
Respondent NO. 132 : Mr. Anand Verma, Adv.
For Sikkim : Ms. Aruna Mathur, Mr. Avneesh Arputham and
 Ms. Anuradha Arputham, Adv.
 Mr. R. Rakesh Sharma and Mr. Marutha Samy,
 Adv.
NTPC : Mr. Bharat Sangal and Ms. Vidushi Garg, Adv.
 : Mr. G. M. Kawoosa, and Ms. Antima Bazaz,
 Adv for State of J& K
Respondent Nos. 3,4, 105 : Mr. Ajit S. Bhasmt and Mr. Pankaj Mishra,
 advs.
Respondent nos. 85 & 107 : Ms. Avnish Ahlawat, Adv.
 : Mr. Padeep Misra and Mr. Daleep Khyani, Adv.
 for UPPCB
 : Mr. V. K. Shukla, Adv.
 : Mr. Soumyajit Pani, Adv.
State of Nagaland : Mr. Edwar Belho Mr. K. Luikang
 Michael and Mr. Elix Gangme, Adv.

For Andaman & Nicobar Admn.: Mr. Sarthak Chaturavedi, and Mr. D.N. Tripathi, Mr. Rohit , Adv.

Original Application No. 117/2014

Applicant :
MoEF : Mr. Vikas Malhotra Adv.
State of Tripura : Mr. Gopal Singh, Mr. Rituraj Biswal, Ms. Varsha, Adv.
Tamil Nadu & TNPCB : Mr. R. Rakesh Sharma , adv. Mr. M. Marutha Samy, Adv
Sikkim : Mr. Aruna Mathur, Mr. Avneesh Arputham and Ms. Anuradha Arputham, Adv.
Respondent No. 5 : Mr. Shuvodeep, Adv. for PCB Assam
Respondent No. 52 : Mr. V.K. Shukla, Adv. for State of MP
For Andaman & Nicobar Admn.: Mr. Sarthak Chaturavedi, and Mr. D.N. Tripathi, Mr. Rohit Pandey, Adv.
For State of Meghalaya : Mr. Aprajita Mukherjee Adv.
For State of Nagaland : Mr. Edwar Belhito, Mr. K. Luikang Michael and Mr. Elix Gangmei, Adv.
For Nagaland PCB :Ms. K. Enatoli Sema, Adv.
For GNCTD/DPCC : Mr. Biraja Mahopatra, Adv. Mr. Dinesh Jindel LO
For CPCB : Mr. Rajkumar, Adv. with Ms. Niti Choudhary, LA
For UT of Lakshdweep : Dr. Abhishek Atrey and Mr. Sumit Razora, Adv.
For State of Arunachal Pradesh & PCB : Mr. Anil Srivastava, Mr. Pranav, Rishi Adv.
For UPPCB : Mr. Pradeep Misra, Mr. Daleep Kr. Dhyani and, Adv.
For State of Bihar & BSPCB: Mr. Rudneshwar Singh and Mr. Gautam Singh, Adv.
Respondent No. 24 & 36 : Mr. Mukesh Verma, Adv.
For State of Haryana & HSPCB: Mr. Anil Grover with Mr. Rahul Khurana and Mishal Vij, Adv.
For MPPCB : Mr. Rajul Shrivastav, Adv.
For State of Gujrat & GPCB: Ms. Puja Singh, Adv. for Ms. Hemantika Wahi, Adv.
Respondent no. 22 & Maghalaya SPCB : Mr. Tayenjam Momo Singh, Adv.
Respondent No. 46 : Mr. Suryanarayana Singh, Sr. AAG
For State of Manipur PCB ; Mr. Sapam Biswojit Meitei, Mr. Z. H. Isaac Adv
For JSPCB : Mr. Jayesh Gaurav, Adv.
For State of Karnataka : Mr. Devraj Ashok, Adv.
For RSPCB : Mr. Shiv Mangal Sharma, AAG and Mr. Saurabh Rajpal, Adv.
For State of MP : Mr. V.K. Shukhla, Adv.
Respondent No. 4 : Mr. K. S. Parihar, Adv.
CPCB : Mr. Raj kumar, Adv. Ms. Niti Choudhary, LA
State of Tripura : Mr. Gopal Singh, Mr. Rituraj Biswal, Ms. Varsha, Adv.
Tamil Nadu & TNPCB : Mr. R. Rakesh Sharma , adv. Mr. M. Marutha Samy, Adv
Respondent Nos.2-5,10-11: Abhishek Yadav, Adv
For State of Mizoram : Mr. Ravi Kantpal and Mr. Pragyan Sharma, Mr. Shikhar Garg Adv.
For State of Arunachal

Pradesh & PCB : Mr. Anil Srivastava, Mr. Pranav, Rishi Advs.
For State of Bihar & BSPCB: Mr. Rudneshwar Singh and Mr. Gautam Singh,
Advs.
: Mr. Rajul, Adv. for MPPCB
For State of HP : Mr. Suryanarayan Singh, AAG
Odisha SPCB : Mr. Paikaray, Adv.
HPPCB : Mr. D. K. Thakur, Adv.
Mr. Mukesh Verma, Adv.
Mr. Shuvodeep Roy, Adv. For Pollution Control
Board, Assam
For MCD : Mr. Balendu Shekhar Adv.

State of Telangana : Mr. Debarsmi Bhuyan and Mr. Santosh Rebello,
Adv. for State of Goa and SPCB
: Mr. P. Venkat Reddy and Mr. Prashant Tygai,
Advs.
: Mr. Joydeep Mukherjee, Mr Rabin M. Advs. in
O.A. 579 of 2016
For State of Meghalaya : Mr. Aprajita Mukherjee Adv
For State of Meghalaya : Mr. Rayenjam Momo Singh Adv..
JSPCB Mr. Jayesh Gaurav, Adv.
For State of Mizoram : Mr. Ravi Kantpal and Mr. Pragyan Sharma,
Mr. Shikhar Garg Advs.
Assam PCB : Mr. Shuvodeep Roy, Adv.
HPPCB : Mr. D. K. Thakur, Adv.
Respondent No. 4 : Mr. K. S. Parihar, Advs
Mr. Mukesh Verma, Adv.

HSPCB Mr. Anil Grover AAG and Mr. Rahul
Khurana and Mr. Mishal Vij, Advs
State of H. P. : Mr. Suryanarayan Singh, AAG
Respondent No. 3 : Mr. Deepak Anand, Adv.

DPCC : Mr. Biraja Mahopatra, Adv. and Mr. Dinesh
Jindel, LO
For Sikkim : Ms. Aruna Mathur, Mr. Avneesh Arputham and
Ms. Anuradha Arputham, Advs.
For Manipur SPCB : Mr. Sapam Biswojit Meitei, Mr. Z. H. Haiding
Advs
State of Odisha : Mr. Shibashish Misra, Adv.
State of Nagaland : Mr. Edwar Belho Mr. K. Luikang
Michael and Mr. Elix Gangme, Advs.

For Andaman & Nicobar Admn.: Mr. Sarthak Chaturavedi, and Mr. D.N.
Tripathi, Mr. Rohit , Advs.
For State of TN & TNPCB : Mr. R. Rakesh Sharma, Mr. Marutha Samy,
Advs.

For State of Bihar & BSPCB : Mr. Rudreshwar Singh and Mr. Gautam Singh,
Adv.

For MPPCB : Mr. Rajul Shrivastava, Mr. Abhinav Shrivastav,
Advs.

GSPCB Ms. Puja Singh Adv. for Ms.
Hemantika Wahi, Advs.
Arunachal Pradesh & PCB : Mr. Anil Srivastava, Mr. Sanyam Saxena Mr.
Pranav, Rishi Advs.

For UT of Lakshdweep : Dr. Abhishek Atrey and Mr. Sumit Razora,
Advs.
: Mr. K. S. Parihar, Adv.
State of Maharashtra : Mr. Preshit Surshe, Adv.
Respondent No. 116 : Mr. Santosh Kumar, Adv.

	Date and Remarks	Orders of the Tribunal
	<p data-bbox="310 352 509 486">Item Nos. 12 to 14 August 24, 2016</p> <p data-bbox="383 521 440 545">jg & ps</p>	<p data-bbox="646 370 894 397">Heard. Perused.</p> <p data-bbox="561 443 922 478"><u>M. A. No. 579 of 2016</u></p> <p data-bbox="553 521 1435 701">Application for impleadment of O. A. No. 102 of 2014 is yet to be served. The applicant in O. A. No. 102 of 2014 admits its service today.</p> <p data-bbox="561 747 776 782"><u>Main Matter:</u></p> <p data-bbox="553 825 1435 2206">Our attention has been invited to the order dated 20-08-2016 which recorded the undertaking to abide by the regulatory regime specified in the Notification dated 14-09-1999 and as further amended vide Notification dated 03-11-2009 in the matter of use of fly ash as land fill to reclaim low lying areas including backfilling in abandoned mines or pitheads, and to the fact that in pursuance thereto it was clarified that fly ash was allowed to be used in construction activity such as in road laying, embankments or used as land fill to reclaim low lying areas including backfilling in abandoned mines or pitheads or for any such other use as permitted strictly in accordance with the provisions of Notifications. Now, it is submitted before us, some of the States: Jharkhand, Chattishgarh, Telangana, Andhra Pradesh and Odisha are not following the said regime and the Monitoring Committees envisaged under Notification dated 03-11-2009 are not functional and as such the Status Reports are necessary.</p> <p data-bbox="553 2249 1435 2429">Learned Counsel appearing on behalf of the these States resist the submissions made on behalf of the applicant. According to them, the Monitoring</p>

Committees are in place and are functional as can be seen from the Minutes of the Meeting held by these Monitoring Committees.

According to the Learned Counsel for the Applicant the clear picture regarding the implementation of the order does not emerge from these minutes and therefore, directions be issued to the respective Management Monitoring Committees to come out with the necessary details regarding quantum of backfilling, source of the fly ash and the permissions obtained from such backfilling.

In our view the entire controversy needs to be considered and necessary directions incorporated in the final verdict. The Applicant shall make elaborate submissions as to the points in controversy and the necessary directions that need to be incorporated in the final order.

List these cases on 20th September, 2016.

.....,JM
(U. D. Salvi)

.....,EM
(Ranjan Chatterjee)