

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

Original Application No. 171 of 2013

(M.A. No. 278 of 2014, M.A. No. 219 of 2014 to M.A. No. 221 of 2014, M.A. No. 438 of 2014, M.A. No. 507 of 2014, M.A. No. 604 of 2014 & M.A. No. 143 of 2015, M.A. No. 628 of 2014 & M.A. No. 738 of 2014)

National Green Tribunal Bar Association Vs. MoEF & Ors.

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER

Present:

Applicant:	Mr. Raj Panjwani, Sr. Adv. with Mr. Rahul Choudhary, Adv.
Respondent No. 1:	Mr. Vikas Malhotra, and Mr. M. P. Sahay, Advocates
Respondent No. 2 & 3 :	Mr. Gaurav Bhatia, Ms. Savitri Pandey and Mr. Gaurav Srivastava, Advs.
Respondent No. 4:	Mr. Imtiaz Ahmed, Adv.
Respondent No. 5:	Mr. Vivek Kumar Tandon, Adv.
Respondent No. 8:	Ms. Nupur Kanungo, Adv. and Mr. Hemantika Wahi, Adv.
Respondent No. 5:	Mr. Shakunt Saumtra, Adv. in MA 604/2014
Respondent No. 10 & 11 :	Mr. Harleen Kaur, Adv. in M.A. 278/14 Mr. Sabir Ali Khan and Mr. Aditya Narayan Singh, Adv. Mr. Anil Grover, AAG with Mr. Rahul Khurana, Advs. for State of Haryana Mr. Pradeep Mishra and Mr. Daleep Kumar Dhayani, Advs. for UPPCB
Respondent No. 29 :	Dr. Abhishek Atrey, Mr. Atif Suhrawardy and Mr. Sumit Rajora, Advs. for UT of Lakshdweep Mr. Suryanarayan Singh, Sr. Addl. Advocate General for State of H.P. Mr. Abhimanyu Garg and Ms. Preety Makkar, Advs.
Respondent No. 13 :	Mr. Jogy Scaria and Mr. Reegandel, Advs.
Respondent No. 14 :	Mr. Mukesh Verma, Adv. for Uttarakhand PCB
Respondent No. 15 :	Mr. V.K. Shukla, Advs.
Respondent No. 17 :	Mr. Sapam Biswajit Mistei, Mr. S. Vijayanand Sharma and Mr. Kalyani Goswami, Advs.
Respondent No. 18 :	Mr. Pragyan Sharma, Mr. Siddhartha Singh and Mr. Shikhar Garg, Advs. Mr. B.S. Verma, Adv.
Respondent No. 28,36,38,42 & 43 :	Ms. Savitri Pandey and Ms. Azma Parveen, Adv.
Respondent No. 26 :	Mr. Yogesh K and Mr. Jayant Patel, Advs. for State of Tamil Nadu Mr. Amit Anand Tiwari and Abhinandan Banerjee, Advs. for Noticee No. 42 (GMVN Ltd.) – M.A. 278/2014
Respondent No. 32 :	Mr. Shubham Bhalla, Adv. for UT of Chandigarh – M.A. 278/2014 Mr. Amar Gupta, Mr. Apoorva Misra, Mr. Kunal Singh and Ms. Vandana Anand – MA No. 278/2014 for Noticee Nos. 26, 26 & 41 Mr. Guntur Prabhakar, Mr. Guntur Pramod Kumar Prashant Mathur, Adv.
Respondent No. 31 :	Ms. G. Indira and Mr. K.V. Jagdishvaran, Advs. for UT of Andaman and Nicobar Admn.
Respondent No. 21 :	Mr. Shibashish Misra, Adv. for State of Odisha
Respondent No. 30 :	Mr. Vikas Kargupta and Mr. Amit Agarwal, Advs. for State of West Bengal Ms. Aruna Mathur and Mr. Yusuf Khan, Advs. for State of Sikkim Mr. Gopal Singh, Mr. Rituraj Biswas and Ms. B. Khushbansi, Advs. for State of Tripura Mr. Pragyan Sharma, Mr. Ravi Kant and Mr. Pulkit Prakash, Advs. for State of Mizoram

Respondent No. 9 :

Mr. Anil Shrivastava and Ms. Sanyam Saxena,
Adv.

	Date and Remarks	Orders of the Tribunal
	<p>Item No. 09</p> <p>July 24, 2015</p>	<p><u>Original Application No. 171 of 2013</u> <u>M.A. No. 739 of 2013 and M.A. No. 278 of 2013.</u></p> <p>In the light of the Judgement of the Tribunal in the case of Himmat Singh Shekhawat Vs. State of Rajasthan & Ors. - Original Application No.123 of 2014, the prayer made in the Application has to be allowed.</p> <p>Furthermore, the Notification issued by the State of Uttarakhand on 12th July, 2013 and 12th August, 2013 in so far as they permit the mining activity to be carried on without permission and/or grant of Environmental Clearance are hereby quashed as these are patently in violation to the Judgement of the Hon'ble Supreme Court in the case of Deepak Kumar Vs. State of Haryana, (2012(4)SCC629) and Judgement of the Tribunal in the matter of Himmat Singh Shekhawat Vs. State of Rajasthan & Ors. - Original Application No. 123 of 2014.</p> <p>We further direct that the concerned authority would ensure that no illegal and un-authorized mining activity be carried out in the district Haridwar and they would give due regard to the fact that such activities can hardly be permitted within 10 Kms. of Rajaji National Park.</p> <p>With the above direction Original Application No. 171 of 2013 and both M.A. Nos. 739 of 2013 and 278 of 2013 stand disposed of without any order as to cost.</p> <p>In relation to other Miscellaneous Applications which have been filed in these cases, we direct the Registry to number them as separate Original Applications</p>

and maintain separate file and list all of them on 25th August, 2015.

The Notices issued in terms of our previous orders dated 29.08.2013 are also to be registered as separate Application and would be dealt with by the Tribunal independently on its own merits. These cases based on peculiar facts and circumstances cannot be disposed collectively. Therefore, we direct that separate Application files should be maintained and listed before the Tribunal on same date.

List this matter on 25th August, 2015. File of Application No. 171 of 2013 may be tagged for the purpose.

.....,CP
(Swatanter Kumar)

.....,JM
(M.S. Nambiar)

.....,EM
(Dr. D.K. Agrawal)

.....,EM
(Prof. A.R. Yousuf)