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

(M.A. No. 1107 of 2015 & M.A. No. 1345 of 2015 in M.A. No. 1107 of 2015)
In
Original Application No. 171 of 2013

National Green Tribunal Bar Association Vs. MoEF

CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON

HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER HON'BLE Mr. RANJAN CHATTERJEE, EXPERT MEMBER

Present: Applicant: Mr. Raj Panjwani, Sr. Adv. and Mr. Rahul

Choudhary, Adv.

Respondent No.1: Mr. Krishna Kumar Singh, Adv.

Mr. Rishi Kant Singh, Adv.

Respondent No.2: Ms. Savitri Pandey, Advs.

Mr. Anil Grover, AAG and Mr. Rahul Khurana,

Adv.

Mr. Anand Prakash and Mr. Ravi Dhopar, Advs.

Dr. Abhishek Atrey, Advs.

Mr. Pradeep Misra and Mr. Daleep Kr. Dhyani,

Advs.

Ms. Alpana Poddar with Mr. S.L. Gundli, SLO,

Central Pollution Control Board

Mr. Suryanarayan Singh, Sr. Addl. AG for State

of HP

MR. Gudipati G. Kashyap, Adv. for D. Builders Mr. A.R. Takkar, Mr. Gurinderjit Kaur, Mr. Sanjay Kumar and Mr. Ajay Bansal, Advs. for

M/s. Dkrrish Builders Pvt. Ltd.

Da <mark>te</mark> and Remarks	Orders of the Tribunal
Item No. 22	We have heard the Learned Counsel appearing for
December 23, 2015	the parties. Let this matter be listed for hearing on 12th
ss	January, 2016 as prayed.
	We have perused report of the Local Commissioner.
	There are allegations and counter allegations of illegal and
	unauthorized mining going on either side of the river. The
	major area fall in the State of U.P. According to the
	Learned Counsel appearing for the State of U.P. the illegal
	mining was being done from the Haryana side and they
	have already lodged FIR and there is construction of
	unauthorized bridge over river Yamuna in the territory of
	Haryana. The Learned Counsel appearing for the State of
	Haryana submits that no illegal and unauthorized mining
	is going on in the Haryana side rather it is in the U.P. side

where illegal and unauthorized mining is going on. According to the Learned Counsel appearing for the two miners their activities is being hampered by unauthorized illegal mining and they have not even permitted to carry on their business. We have noticed these facts only to show the extent of illegal, unauthorized, unscientific and unregulated mining going on in this area which causes serious prejudice to the flow of the river and bio-diversity and ecology of the area. Each of the miners is worried about his investment and least bothered about river and It is indicated in the report of the Local ecology. Commissioner that there are two illegal and unauthorized bridges as shown in the Google Image produced by the officer and both the States have failed to perform their duties and control the illegal and unauthorized mining. The mining is being carried on not only in the river bed but right inside the river, as is evident from the photographs placed before the Tribunal. mechanical mining going on, which is strictly prohibited on the river bed. This certainly requires proper examination of the matter at some length. Therefore, we direct listing of all these matters on 12th January, 2016 as prayed by the parties. Till then the interim order will continue. We further direct the Commissioner of Police, Faridabad and Deputy Commissioner of Gautam Buddh Nagar, NOIDA and other connected officers that there should be no illegal and unauthorized mining whatsoever in these areas till further order of the Tribunal.

We make it clear that even if a single incident of sand mining and/or illegal and unauthorized mining is brought to the notice of the Tribunal, these officers shall be personally liable to be proceeded against in accordance with law.

The Learned Counsel appearing for the Contractor prays for time to file reply. Reply be filed within one week from today with advance copy to the Applicant and all other counsel. Rejoinder thereto, if any, be filed within one week from thereafter.

We hereby direct that all illegal and unauthorized bridges constructed over the river Yamuna, constructed by either miners and or by persons carrying on illegal and unauthorized mining shall be demolished by both the State Governments within three days from today and report be submitted before the Tribunal for which the status report shall be submitted to the Tribunal. The state of U.P. may also explain how and from where the sand is coming for the constructions being carried on in NOIDA and Ghaziabad as it is submitted that sand mining is prohibited in the District of Gautam Buddh Nagar, NOIDA.

MoEF has not complied with the directions of the Tribunal. We grant last opportunity to comply with all the directions and report to be filed within two weeks from today.

List this matter on 12th January, 2016.

,CP (Swatanter Kumar)
,JM (U.D. Salvi)
,JM

	,EM (B.S. Sajwan)
	,EM (Ranjan Chatterjee)

