

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

**Original Application No. 363 of 2015  
(M.A. No. 378 of 2017)**

**And**

**Original Application No. 366 of 2015**

**And**

**Original Application No. 367 of 2015**

**And**

**Original Application No. 368 of 2015  
(M.A. No. 229 of 2017)**

**IN THE MATTER OF :-**

**National Green Tribunal Bar Association**

**Vs.**

**Dr. Sarvabhoom Bagali (State of Karnataka)**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER  
HON'BLE DR. AJAY A DESHPANDE, EXPERT MEMBER**

**Present:**

<b>Applicant:</b>	<b>Mr. Raj Panjwani, Sr. Adv. with Mr. Aagney Sail, Adv.</b>
	<b>Mr. Pinaki Mishra, Sr. Adv., Mr. Mahadeo Chaudhari and Ms. Anagha A. Desai, Adv. in M.A.</b>
<b>Respondent No. 5:</b>	<b>Mr. Shakunt Saumitra, Adv.</b>
<b>Respondent No. 10:</b>	<b>Mr. A.C. Pradhan, Sr. Adv. and Mr. Rahul Baid, Adv.</b>
	<b>Mr. Mukesh Verma, Adv. and Mr. Bikash Kumar Sinha, Adv.</b>
	<b>Mr. Kamal Kumar Pandey, Adv.</b>
	<b>Mr. Pankaj Sharma, Adv.</b>
	<b>Mr. Vinay Narare and Mr. Sarang Aradhye, Adv.</b>
	<b>Mr. Salman Khurshid, Sr. Adv., Ms. Sneha Iyer, Mr. Rajesh Inamdar, Ms. Arza Rehman, Mr. Vikram Aditya Singh and Mr. Devadatt Kamat, Adv.</b>
	<b>Ms. Menakshi Arora, Sr. Adv., Mr. Preshit Surshe, Adv. with Mr. Pravin Devre, Addl. Collector and Mr. S.V. Prabhu, S.P., Mr. Bhanuchandra Kolpyal for State of Maharashtra</b>

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 52 to 55</b> <b>April 19, 2017</b> <b>ss</b>	We have heard the Learned counsel appearing for the parties, at some length. The Learned counsel appearing for State of Maharashtra has brought to our notice the revised sand excavation policy dated 12 <sup>th</sup> March, 2013. In terms of clause-11 of this policy, the State Government is empowered to grant permission for creek/river dredging, in the public interest as an exception. No clause has been brought to our notice

<p><b>Item No. 52 to 55</b></p> <p><b>April 19, 2017</b></p> <p><b>ss</b></p>	<p>where the State Government is empowered to grant any stream sand mining by suction pump or even otherwise.</p> <p>The Pune Bench of the Tribunal, in the case of Mr. Dnyanesh Kisanrao Phadtare Vs. Balaji Enterprises &amp; Ors. in Original Application No. 63 of 2015 and Praful Shivrao Kadam Vs. Department of Environment &amp; Ors. in Original Application No. 10 of 2016 had considered this policy as well as the revised policy which has not been placed before us. The Pune Bench came to the conclusion that such mining could not be permitted. The Learned counsel appearing for the Applicant, while referring to the proceedings of the State Level Appraisal Committee held on 24<sup>th</sup> and 25<sup>th</sup> August, 2016, has mentioned that SEAC specifically stated in the recommendation that no machinery will be used for excavation and mining will be carried out manually. However this permission has been sidelined and State Environment Impact Assessment Authority has allowed stream mining by suction pump, by mis-interpretation thereof.</p> <p>In the circumstances afore-noticed, we prohibit the State of Maharashtra from granting any permission in-stream suction mining of sand, under any circumstances, without prior approval of this Tribunal. The Clause-11 of the Policy shall not be given effect to and all such mining should be stopped forthwith.</p> <p>The District Magistrate and S.P. of the area submits that they have taken effective steps to check in stream mining by suction pump, however, such suction pump mining activities were found is repeatedly reappearing despite of their best efforts.</p>
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<p><b>Item No. 52 to 55</b></p> <p><b>April 19, 2017</b></p> <p><b>ss</b></p>	<p>We direct the State Government to file a list separately, within one week, giving details of persons who were found to be carrying on illegal mining by suction pump insteam or even in the river bed. This list will state, the name of company, period during which illegal mining was being carried out, quantity of such illegal mining whether any machineries or pumps were seized and cases registered or not, any penalty/forfeiture was directed for illegal mining, actual penalty received/forfeiture done, whether any permission was granted for sand excavation by suction pump in stream. The list would provide complete details thereof.</p> <p>The Learned counsel appearing for various Noticees prays for further time to file their replies. Let replies be filed within one week from today.</p> <p>All the impleaded parties should be provided a copy of the application and the list of illegal miners, by the State Government. Interveners are directed to place their response on record.</p> <p>List all these matter for arguments on 22<sup>nd</sup> May, 2017.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p> <p>.....,EM (Dr. Ajay A Deshpande)</p>
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