

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,  
BHOPAL**

**M.A.No. 747/2015**

**in**

**Original Application No. 116/2013 (THC) (CZ)**  
**Netyendra Manav Vs. State of Rajasthan & Ors.**

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE PROF. A.R. YOUSUF, EXPERT MEMBER**

**PRESENT : Applicant: Shri Dharamvir Sharma, Advocate  
Applicant (M.A.No. 747/2015: Shri Ayush Dev Bajpai, Advocate  
Respondent RSPCB & State : Shri Sandeep Singh, Advocate  
NHAI : Shri Om S.Shrivastav, Advocate**

<b>Date and Remarks</b>	<b>Order of the Tribunal</b>
<b>Order No. 25 19<sup>th</sup> November, 2015</b>	<p>Shri Ayush Bajpai, Learned Counsel has moved Misc. Application No. 747/2015 for releasing Shri Mahesh Chandra Yadav proprietor of M/s Balaji Enterprises against whom non bailable warrant had been ordered to be issued on 29.09.2015, on account of his non appearance in pursuance of the bailable warrant issued earlier on 16.02.2015. It has been submitted that on the fixed date Shri Mahesh Chandra Yadav could not appear as there was bereavement in the family. He has been produced before us today by police station (thana Pragpura) through Shri Ramavtar, HC 379 &amp; Shri Sandeep Kumar, FC 1940 District Jaipur. Shri Mahesh Chandra Yadav has been identified by Shri Ayush Bajpai, Advocate, who has filed the Vakalatnama on his behalf. In the facts and circumstances, we would direct that Shri Mahesh Chandra Yadav be ordered to be released on his furnishing a personal bond of Rs. 10,000/- before the Registrar of Central Zone Bench, Bhopal and give an undertaking that he would be present as and when called to appear before this Tribunal. Misc. Application No. 747/2015 stands allowed and disposed of.</p> <p style="text-align: center;">As regards the main matter the Tribunal has directed the</p>

RSPCB on 02.09.2015 to submit with regard 5 issues including quantification of damages that may have been caused to the environment and the amount that may be required to be paid by the defaulting person. It has been submitted before us today that against 278 persons, charge sheets have been filed for illegal mining extraction of the *Bajri*. It is submitted that this *Bajri* (Sand) was being extracted from government revenue land comprising the Sota river. The RSPCB was asked to constitute a committee of members as mentioned in our order but the Learned Counsel submits that none of the members despite being approached is willing to undertake the said task. In view of the above, we constitute a committee comprising (1) one officer from the RSPCB, Head Office (2) Professor Anil Maheshwari, Professor and Head of Department, Geology, University of Rajasthan, Jaipur, or a Professor from his Department to be nominated by him (3) one officer from the Forest Department of the rank of Conservator of Forest and (4) Mining Engineer, Mines Department both of whom should not be posted in District Jaipur to assess the quantity of the mineral extracted over the entire period during which the illegal extraction has been carried out and its market value. Based upon the above, the loss to the environment as also the cost of restoration that may be incurred needs to be determined. The report giving all these details be submitted within 2 months. The RSPCB shall be coordinating the agency for arranging all necessary facilities including transportation cost, etc. The RSPCB shall also inform the Applicant about time and place when they intend to undertake the aforesaid study. The Applicant shall remain personally present during the aforesaid exercise. The amount so quantified and assessed shall be liable to be

recovered from the all parties against whom cases have been registered by the State during this period.

The Applicant has moved M.A. No. 745/2015 along with the affidavit. The said application is in Hindi, the Learned Counsel for the Applicant undertakes to file the English translation of the same.

The State has further filed a compliance report to our order dtd. 29.09.2015. The same be taken on record. Let the matter be listed on **2<sup>nd</sup> February, 2016.**

.....,JM  
(DALIP SINGH)

.....,EM  
(PROF. A.R. YOUSUF)

