

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

**Original Application No. 356/2015; Original Application No. 357/2015; Original Application No. 358/2015; Original Application No. 359/2015; Original Application No. 360/2015; Original Application No. 361/2015; Original Application No. 362/2015; Original Application No. 365/2015; Original Application No. 369/2015; Original Application No. 370/2015; Original Application No. 371/2015; Original Application No. 372/2015 and Original Application No. 373/2015**

**IN THE MATTER OF:**

**National Green Tribunal Bar Association  
Vs.**

**Rohit & various other Noticees**

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

**Present:** **Applicant:** Mr. Raj Panjwani, Sr. Adv. Mr. Rahul Choudhary and Ms. Meera Gopal, Adv.  
**Respondents** Mr. Pradeep Misra and Mr. Daleep Kr. Dhyani, Advs.  
Mr. Narender Yadav and Mr. Gaurav Jain, Advs.  
Mr. Neha Gupta and Mr. Nasir Ahmed, Advs.  
Mr. V.K. Shukla and Mr. Vijay lakshmi, Advs.  
Mr. C.D. Singh, AAG and Mr. Sandeepan Pathak, Adv.

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 06 to 18</b> <b>November 22, 2016</b> <b>A</b>	<p><b><u>Original Application No. 356/2015</u></b></p> <p>The Noticee No. 56 – Mr. Rohit has been served. He has also filed his Reply. In the Reply it is stated that he has not committed any offence and has not done illegal mining. However, in the Reply there is no denial to the fact that he was caught red handed. However he states that the trolley and the tractor, which were seized, has also been shown falsely and he has no concern with the same.</p> <p>There are records to show that he was apprehended on 29<sup>th</sup> July, 2013 with Mahindra Tractor Chesis No. 555 R 117 RK 5250 of which he is the owner. He was arrested and released on bail by the Competent Court, after registration of FIR and proceedings and pending before the Court.</p> <p>In light of the above we are not prepared to believe</p>

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the defence put forward by the Noticee. There is no reason to believe the plea of false implication.

In these circumstances, we direct the said Noticee to pay Environmental compensation of Rs. 5 Lakh/- within three weeks from today to the Uttar Pradesh Pollution Control Board. In the event of default, the State will be entitled to recover the said amount as land revenue through the Deputy Commissioner of the District.

Accordingly, Original Application No. 356 of 2015 stands disposed of, without any order as to costs.

**Original Application NO. 357/2015**

The Noticee No. 57 – Mr. Sunil has been served. He has also filed his Reply. In the Reply it is stated that he has not committed any offence and has not done illegal mining. However, in the Reply there is no denial to the fact that he was caught red handed. However he states that the trolley and the tractor which were seized has also been shown falsely and he has no concern with the same.

There are records to show that he was apprehended on 29<sup>th</sup> July, 2013 with Tractor Sonalika Chesis No. DZA F 4124953. He is the owner of the same and was arrested. He was released on bail by the Competent Court, after registration of FIR and proceedings are pending before the Court.

In light of the above we are not prepared to believe to the defence put forward by the Noticee. There is no reason to believe the plea of false implication.

In these circumstances, we direct the said Noticee to pay Environmental compensation of Rs. 5 Lakh/- within three weeks from today to the Uttar Pradesh Pollution

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Control Board. In the event of default, the State will be entitled to recover the said amount as land revenue through the Deputy Commissioner of the District.

Accordingly, Original Application No. 357 of 2015 stands disposed of, without any order as to costs.

**Original Application No. 358/2015**

Mr. Rakesh – Noticee No. 34 who was the Driver of the Vehicle had permission dated 12<sup>th</sup> July, 2013 to carry the earth from the basement which he was constructing. For these reasons we find no offence against him and direct that the Notice issued against him be withdrawn.

Accordingly, Original Application No. 358/2015 stands disposed of, without any order as to costs.

**Original Application No. 359 of 2015**

We have heard the Learned counsels appearing for the parties. The Noticee – Mr. Sonu was apprehended on 26<sup>th</sup> January, 2013 for carrying on sand after illegally mining. He was also caught for illegal mining on 04<sup>th</sup> December, 2012. He was arrested and released on bail. The only ground he has taken in the Reply is that he was falsely implicated. We are not prepared to believe to the plea taken by him and there is no documentation to support it. On FIR was registered and he was arrested by the Police for illegally mining and carrying minerals.

In these circumstances, we direct the said Noticee to pay Environmental compensation of Rs. 5 Lakh/- within three weeks from today to the Uttar Pradesh Pollution Control Board. In the event of default, the State will be

<p><b>Item No. 06 to 18</b></p> <p><b>November 22, 2016</b></p>	<p>entitled to recover the said amount as land revenue through the Deputy Commissioner of the District.</p> <p>Accordingly, Original Application No. 359 of 2015 stands disposed of without any order as to costs.</p> <p><b><u>Original Application No. 360/2015</u></b></p> <p>List this matter on 28<sup>th</sup> November, 2016.</p> <p><b><u>Original Application No. 361/2015</u></b></p> <p>Let the Learned counsel appearing for the State be informed of the next date of hearing.</p> <p>List this matter on 28<sup>th</sup> November, 2016.</p> <p><b><u>Original Application No. 362/2015</u></b></p> <p>List this matter on 28<sup>th</sup> November, 2016.</p> <p><b><u>Original Application No. 365/2015</u></b></p> <p>List this matter on 28<sup>th</sup> November, 2016.</p> <p><b><u>M.A. No. 220/2014 and Original Application No. 369/2015</u></b></p> <p>We have heard the Learned counsel appearing for the State.</p> <p>Though the Noticee M/s D/P. Jain &amp; Company Infrastructure Pvt. Ltd. is not present, they have already filed their detailed reply as well as M.A. No. 220/2014 for impleadment.</p> <p>The State of Madhya Pradesh has filed its Reply. In the Reply it is stated that four cases of illegal mining were</p>
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registered against the said Noticee and in three cases the total penalty of Rs. 2,22,435 have been imposed and in one case penalty of 29,53,244 is proposed. It is further stated that area of mining was of 40.40.40.15 Hectare respectively. It is a clear case of illegal mining and in three cases the Noticee has even paid the penalty imposed. Thus it implies that it was carrying on illegal mining.

In these circumstances, we direct the said Noticee to pay Environmental compensation of Rs. 20 Lakh/- (5 Lakhs for each case) for causing damage to the environment and ecology within three weeks from today to the Madhya Pradesh Pollution Control Board. In the event of default, the State will be entitled to recover the said amount as land revenue, through the Deputy Commissioner of the District.

Accordingly, M.A. No. 220/2014 and Original Application No. 369/2015 stand disposed of, without any order as to costs.

**M.A. No. 219/2014 and Original Application No. 370/2015**

We have heard the Learned counsel appearing for the State.

Though the Noticee – M/s Agroh Infrastructure Pvt. Ltd. is not present, they have already filed their detailed reply as well as M.A. No. 219/2014 for impleadment.

The State of Madhya Pradesh has filed its Reply. In the Reply it is stated that 12 cases of illegal mining were registered against the said Noticee and the total penalty of Rs. 59 Lakhs have been imposed and out of which he has

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paid penalty of Rs. 39,57,049 in ten cases. In the Reply it has also been stated that even some of the Appeals filed by the Noticee have been dismissed.

There are various documents on record to show that the Noticee was carrying on illegal mining. In these circumstances, we direct the said Noticee to pay Environmental compensation of Rs. 60 Lakh/- (5 Lakhs for each case) for causing damage to the environment and ecology within three weeks from today to the Madhya Pradesh Pollution Control Board. In the event of default, the State will be entitled to recover the said amount as land revenue, through the Deputy Commissioner of the District.

Accordingly, M.A. No. 219/2014 and Original Application No. 370/2015 stand disposed of without any order as to costs.

**M.A. No. 221 /2014 and Original Application No. 371/2015**

Nobody is present on behalf of the Applicant. They have already filed their detailed reply as well as M.A. No. 219/2014 for impleadment.

There is no material on record to show that the Noticee has indulged into illegal mining.

Accordingly, M.A. No. 221/2014 and Original Application No. 371/2015 stand disposed of without any order as to costs.

**Original Application No. 372/2015**

List this matter on 28<sup>th</sup> November, 2016.

**Original Application No. 373/2015**

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Noticee- Mr. Yogendra is driver – cum – owner of the vehicle – Tractor No. Uttar Pradesh 15BD 4715 wherein he was carrying on minerals and sand of 5 cubic meter. He was apprehended on 06<sup>th</sup> August, 2013. He was arrested and released on bail and the tractor was released by the order of ACJM dated 18<sup>th</sup> October, 2013.

The only ground taken by the him, in the Reply is that he has been falsely implicated. However he has admitted that he was driving the tractor. He further states that he has purchased the sand for the going on construction of the village. The stand taken by him is apparently false. There are documents to show that he was indulging in illegal mining.

In these circumstances, we direct the said Noticee to pay Environmental compensation of Rs. 3 Lakh/- within three weeks from today to the Uttar Pradesh Pollution Control Board. In the event of default, the State will be entitled to recover the said amount as land revenue through the Deputy Commissioner of the District.

Accordingly, Original Application No. 373 of 2015 stands disposed of without any order as to costs.

.....,CP  
(Swatanter Kumar)

.....,JM  
(Raghuvendra S. Rathore)

.....,EM  
(Dr. Ajay A Deshpande)