

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

Original Application No. 28/2014/PB/4/EZ

Chandra Kant Kumar Vs State of Bihar & Ors

CORAM: Hon'ble Justice Dr. P. Jyothimani, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicant : Not Present
Respondent 1 & 4 : Not Present
Respondent 2 & 3 : Mr. Sanjay Kumar, Assistant Director,
Deptt. of Mines, Govt. of Bihar

Date & Remarks	Orders of the Tribunal
Item No. 1 July 22, 2014	<p>There is no representation on behalf of the applicant. However the respondents no. 2 and 3 are represented by Shri. Sanjay Kumar, the Assistant Director, Department of Mines, Bihar. He submits that reply along with the necessary documents including notification have been filed before the Hon'ble Principal Bench, New Delhi. However such documents are not available on record. Therefore he undertakes to file the said papers with required number of copies before this Bench within one week from today after serving copy to the other side.</p> <p>It is unfortunate that in a serious matter like this, where illegal sand quarrying is in operation resulting in ecological imbalances, State of Bihar through its Chief Secretary and the MoEF, Govt. of India through its Secretary who are arrayed as respondent no. 1 and 4 respectively have continued to ignore this Tribunal by not appearing through their counsel or any of the responsible officials. In the present case, there is a clear breach of the order of the Hon'ble Supreme Court in Deepak Kumar Vs State of Haryana 2012 4 SCC 629. This attitude of respondents 1 and 4 is inalcitrant and highly deplorable and therefore we issue bailable warrant against each of Respondent 1 and 4 in the sum of Rs.50000/- to the satisfaction of arresting officer, in exercise of powers and in terms of the provision of Section 19(4)(a) of the National Green Tribunal Act, 2010 read with order XVI Rule 10(3) and Section 151 of Code of Civil Procedure 1908.</p>

We also take note of the fact that SEIAA is an appropriate and necessary party to decide the dispute in question. Accordingly we suo moto implead the SEIAA represented by its Member Secretary as the 5th respondent. Registry shall make necessary amendment in this regard and also issue notice to the newly added party at the cost of NGT,EZB returnable by the next date of hearing. Interim order issued by this Tribunal shall continue.

Stand over to 25/08/2014

.....
Dr. P. Jyothimani, JM

.....
Prof. (Dr.) P. C. Mishra, EM

