

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

Original Application No. 111/2014

And

M. A. No. 322/2014

And

Original Application No. 113/2014

Environics Trust V/s Union of India & Ors.

And

Amar Singh V/s Union of India & Ors.

**CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE DR. G.K. PANDEY, EXPERT MEMBER
HON'BLE MR. B.S. SAJWAN, EXPERT MEMBER**

Present:

Applicant/Appellant(s)	: Ms. Richa Relhan and Mr. Rahul Choudhary, Adv.
Respondent No. 1to3	: Mr. Vikash Malhotara and Mr. M.P. Sahay, Adv.
Respondent No. 4	: Mr. S.S. Shamshery and Mr. Varun Punia, Adv.
Respondent No. 7	: Ms. Alpana Poddar, Adv.
Respondent No. 8	: Mr. Dhananjay Bajjal and Mr. Nikhil Nayyar, Adv.
Respondent No. 9	: Mr. A.K. Panda, Sr. Adv and Mr. S. Panda, Mr. M. Paikaray, Adv.

Date and Remarks	Orders of the Tribunal
Item Nos. 2&3 August 5, 2014	<p>Heard. Perused.</p> <p>Learned Counsel appearing for the Respondent No. 1 to 3 submit that replies will be filed in the course of the day. He submits that the Under Secretary for the Ministry of Mines (Respondent No. 2) and the Controller General for the Indian Bureau of Mines (Respondent No. 3) are present in person before the Tribunal. He seeks cancellation of Bailable Warrant issued against Respondent No. 3 on the last occasion. The absence of the Respondent No. 3 on the last occasion is ascribed to the communication gap between the administration and himself. Bailable Warrant issued against Respondent No. 3 is cancelled on the undertaking that the Respondent No. 3 shall keep the duly instructed Counsel present before us from time to time and shall abide by the directions passed in this case.</p>

Learned Counsel appearing for Respondent No. 4 (Deptt. Of Mines & Geology, Rajasthan) submits that the reply in original application no. 113/2014 is ready and the same would be filed in course of the day. However, he seeks time to file reply on behalf of the Respondent No. 4 in original application no. 111/2014.

Learned Counsel appearing on behalf of the Respondent No. 5 (Deptt. Of Mines & Geology, Andhra Pradesh) submits that none could remain present in person in response to the Bailable Warrant issued against the Respondent No. 5 for the reason of there being no appointment made of the Director on account of bifurcation of the State and he has been instructed to seek time to file reply on behalf of Respondent No. 5.

Learned Counsel appearing on behalf of the Applicant submits that she would carry-out the amendment in the memo of parties for impleading the Department of Mines and Geology for the State of Telangana after it is notified by the State Government accordingly.

None appears on behalf of the Respondent No. 6 (Deptt. Of Mines & Geology, Orissa). The report regarding execution of Bailable Warrant against Respondent No. 6 is not before us. Registry to call for the same.

Learned Counsel appearing for the Respondent No. 7 submits that the Member Secretary of the Rajasthan Pollution Control Board is present in response to the order of issuance of Bailable Warrant. He seeks cancellation of Bailable Warrant and submits that the Rajasthan Pollution Control Board shall abide by the orders passed in this case from time to time and shall keep the duly instructed Counsel present before us. The statement is accepted. Bailable Warrant issued against the Respondent No. 7 is cancelled.

Learned Counsel appearing for Respondent No. 8 seeks time to file reply. Reply of the Respondent No. 9 (Orissa Pollution Control Board) is already on record.

Our attention is invited to the prayer clause which spells out the relief against all the asbestos mining operations in the country. According to the learned Counsel appearing for the Applicant, the asbestos mining has been mainly going on in the three States i.e. Rajasthan, Andhra Pradesh and Orissa. However, the Applicant would be seeking information regarding the asbestos mining in other parts of the country and would be taking such steps as are required to help complete and effectual adjudication in the present case.

Considering the relief in respect of health and the related issues, learned Counsel appearing for the Applicant leave to implead the Director General of Mines Safety (DGMS) as party Respondent in the present case. Liberty is granted to implead the DGMS as Party Respondent No. 10. The Applicant to amend the memo of parties accordingly.

Issue Notice to the newly impleaded party by registered post/acknowledgement due and Dasti as well.

In the meanwhile, we expect the respective Departments of Mines and Geology in respective States to identify the asbestos mines both working as well as closed. The learned Counsel appearing for the Respondent No. 2 submits that already the closure procedure for asbestos mines has been duly prescribed and the same needs to be followed and further makes a statement that necessary clarification as to whether the closed mines have followed the procedure prescribed for the closure of those mines or not would be furnished. He further submits that a reference has been made 'thereto' in the reply of Respondent No. 2 and 3.

Two weeks time is granted to file replies. Advance copies of the replies be furnished to the Applicant. The Applicant shall file rejoinder, if any, thereto within one week thereafter.

The Applicant shall furnish the copies of the application, if not furnished, to the concerned Respondents.

Notice made returnable on 28th August, 2014.

List the matter on 28th August, 2014.

....., JM
(U.D. Salvi)

....., EM
(Dr. G.K. Pandey)

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

