

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

**M.A. No. 739 of 2013  
In  
Original Application No. 171 of 2013**

**National Green Tribunal Bar Association  
Vs.  
Ministry of Environment & Forests & Ors.**

**CORAM :** HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE B. SESHASAYANA REDDY, JUDICIAL MEMBER  
HON'BLE DR. D.K. AGRAWAL, EXPERT MEMBER  
HON'BLE DR. R.C. TRIVEDI, EXPERT MEMBER

**Present:**

**Applicant:** Mr. Rahul Choudhary, Advocate  
**Applicant (in MA No.739/2013:** Mr. Ajit Sharma, Advocate  
**Respondent No. 1:** Ms. Neelam Rathore, Advocate  
**Respondent No. 5:** Mr. Ram Awadh Yadav, Mr. S. S. Chouhan, Mr. Ranjeet Dwivedi, Advocate  
**Respondent No. 6:** Mr. P. Niroop and Mr. M. Mishra, Advocates  
**Respondent No. 9:** Mr. Suryanarayana Singh, AAG  
**Respondent No. 12:** Mr. V.N. Raghurathy, Advocate  
**Respondent No. 14:** Mr. Mukesh Verma, Adv.  
**Respondent No. 15:** Mr. C.D. Singh and Ms. Sakshi Kakkar, Advocates  
**Respondent No. 28,36, 38, 42,&43:** Mr. Gaurav Bhatia, AAG, UP, Ms. Savitri Pandey, Advocate and Mr. K. Chaturvedi, Advocates  
**Respondent No. 36:** Dr. Abhishek Atrey and Mr. Rahul Verma, Advocates  
**Respondent No. 41:** Mr. Pradeep Misra and Mr. Daleep Kr. Dhyani, Advocates

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<p><b>Item No.12 October 9, 2013</b></p>	<p><b><u>M.A. No. 739 of 2013</u></b></p> <p>This is an Application wherein the Applicant has prayed that operation of the Notifications dated 12<sup>th</sup> July, 2013 and 12<sup>th</sup> August, 2013 may be stayed. It is contended that these Notifications are in complete contradiction to the Notification of 2006 issued by Ministry of Environment and Forests (MoEF), order of the Hon'ble Supreme Court of India in the case of Deepak Kumar Vs. State of Haryana, reported in 2012(4)SCC629 and order of the Tribunal. It is contended that indiscriminate mining is being carried out even in the areas where there were no natural calamities.</p> <p>Learned counsel appearing for the State submits that he would like to file Reply to this Application. Let Reply to this Application be filed within two weeks from today with advance copy to the Learned counsel appearing for the Applicant who may file Rejoinder thereto within one week thereafter.</p>

Learned counsel appearing for the State submits that Notification dated 12<sup>th</sup> July, 2013 has come to an end with efflux of time as it was only to remain effective till 30<sup>th</sup> September, 2013 and no mining is permitted under this Notification now.

He further states that Notification dated 12<sup>th</sup> August, 2013 permits mining but subject to environmental clearance granted either by the MoEF or State Level Environment Impact Assessment Authority (for short 'SEIAA'), as the case may be. He further states that no mining is being permitted without clearance.

In view of the above no further orders are called for at this stage. We make it clear and prohibit carrying on any mining activity under the Notification dated 12<sup>th</sup> August, 2013 without seeking environmental clearance from MoEF/SEIAA, as the case may be.

List this Application for hearing on 01<sup>st</sup> November, 2013.

Learned counsel appearing for the Applicant has also brought to our notice that heavy illegal mining activity is going on in the city Banjarwala and Bopara in District Haridwar, he infact even has filed the photographs of this site.

We direct no illegal mining will be permitted in these areas and no mining activity would be carried on in any circumstance except with the Environmental Clearance from MoEF/SEIAA, as the case may be.

The Deputy Commissioner of Haridwar and SP shall be personally responsible for compliance of this Order.

**Original Application No. 171 of 2013**

We have heard the Learned Counsel appearing for the parties. We are certainly unable to appreciate what was stated by the SSP and Director of Mining before us on the last date of hearing. It is unfortunate that large scale mining activity and particularly illegal mining activity had been carried out in the area of Gautam Budh Nagar and nearly more than 2 lakh cubic metres of sand has been removed therefrom. The police and the mining authority issued Notices to the persons who were poor drivers of the vehicles which had carried the sand. These drivers appeared before the Tribunal on the last date of hearing

after the case was over and in fact they gave the names of the owners which had not been furnished by the authorities. We express our anguish and do not appreciate the approach that has been adopted by the authorities. Let the authorities furnish complete details and names of the owners and real persons who have been carrying on this illegal mining activity.

In the meanwhile, on the basis of the information furnished by the drivers, as to owners of the vehicles let Notice be issued to the following persons.

Sr. No.	Driver	Work	Owner	Address of the Owner
1	Mr. Amit Prajapati S/o. Shri Sukhyaveer	Driver of Dumper	Shri Kapli S/o. Shri Inderjeet	Sector - 082, Noida
2	Mr. Rinku S/o. Shri Rajendra	Driver of Tractor	Shri Vijay S/o. Shri Nathu	Village- Aminabad, Urfmiyana, Post - Salampur Gujar (Greater Noida)

The SSP and the Director of Mining shall produce the complete police file before the Tribunal on that date and also ensure that Notices have been served to these persons.

Liberty to the State to file detailed Affidavit in this regard before the next date of hearing.

List on 1<sup>st</sup> November, 2013.

.....,CP  
(Swatanter Kumar)

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

.....,JM  
(B.S. Reddy)

.....,EM  
(Dr. D.K. Agrawal)

.....,EM  
(Dr. R.C. Trivedi)

