

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

Original Application No. 360/2015; Original Application No. 361/2015; Original Application No. 362/2015; Original Application No. 365/2015 & Original Application No. 372/2015

IN THE MATTER OF:

**National Green Tribunal Bar Association
Vs.
Gugan @ Muban, Rashid & various other Noticees**

CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER

Present: **Applicant:** **Mr. Rahul Choudhary, Adv.**
 Respondents **Mr. C. D. Singh, AAG. Mr. Sandeepan Pathak and Mr. Avi Pandey, Advs.**
 Mr. Anil Grover, AAG, Rahul Khurana, Mr. Sandeep Yadav and Mr. Saurabh Sachdeva, Advs.
 Mr. Dhruv Pal, Adv.
 Mr. Tarunvir Singh Khehar and Ms. Guneet Singh Khehar, Advs.
 Mr. Krishna Kumar Singh, Adv.

Date and Remarks	Orders of the Tribunal
Item Nos. 6 to 10 November 28, 2016 A	<p style="text-align: center;"><u>Original Application No. 360 of 2015</u></p> <p>Nobody is present on behalf of the Noticee.</p> <p>Let Notices be issued to them.</p> <p>The Applicant will effect the service of Notice on them.</p> <p>Notice returnable on 11th January, 2017.</p> <p style="text-align: center;"><u>Original Application No. 361/2015</u></p> <p>The Status report on behalf of the State has been filed. It has been stated therein that 34 persons were found to be carrying on illegal mining, the quantum of illegal mining varied from 5 cubic meter to 18000 cubic meter. The State has compounded them with imposition of penalty which varies from Rs. 5,000 to Rs.3,85,000/-. The State has not taken action in relation to the</p>

	<p>Item Nos. 6 to 10</p> <p>November 28, 2016</p>	<p>environmental and ecological degradation resulting from this illegal mining. We are surprised that the State Government can be so ineffective firstly in controlling the illegal mining and secondly in imposition of penalty and environmental damage compensation. Be that as it may.</p> <p>We direct the Secretary, Mining to file a personal Affidavit with reference to this report and give complete details. It shall be stated in the report as to what is the cost of the mineral and on what basis and how the penalty is imposed with such variation. We also direct the State Government to issue Notice to all the 34 illegal minors to be present before the Tribunal and to show cause why they be not required to pay environmental compensation for causing degradation to the environment and ecology and also why other action in accordance with law including Notice under the Environment (Protection) Act, 1986 be not issued against them. The State will be responsible for serving all these 34 persons, as and when they are served a separate file shall be maintained by the Registry in that behalf and the copy of the Affidavit shall be placed in each of the files of these 34 Noticees. The Secretary shall also place before us on record the compounding.</p> <p>Accordingly, Original Application No. 361 of 2016 stands disposed of without any order as to costs.</p> <p>Registry will ensure compliance of this order.</p> <p>Notice returnable on 11th January, 2017 to the 34 Noticees.</p> <p><u>Original Application No. 362 of 2015</u></p> <p>Nobody is present on behalf of the Noticee – Mr.</p>
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	<p>Item Nos. 6 to 10</p> <p>November 28, 2016</p>	<p>Prasad and State of Uttarakhand.</p> <p>The Registry is directed to inform and put complete service report with regard to Notices.</p> <p>List this matter on 11 January, 2017.</p> <p><u>Original Application No. 365/2015</u></p> <p>Nobody is present on behalf of the Noticee – Md. Kalim.</p> <p>Reply on behalf of the Noticee has been filed. The only stand taken in the Reply is that he has been falsely implicated though he was caught red handed carrying mining of 76 cubic meters in the truck and penalty of Rs. 50,000/- was imposed upon him. The stand taken by the Noticee is not believable. It is also admitted in the Application that the Noticee is the registered owner of the Truck Number CG-12-U-1300. In these circumstances, we direct the said Noticee to pay Environmental compensation of Rs. 5 Lakh/-, within three weeks from today to the State 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.</p> <p>Accordingly, Original Application No. 365 of 2015 stands disposed of without any order as to costs.</p> <p><u>Original Application No. 372/2015</u></p> <p>We have noticed that in the cause title the Noticee Vijender has been wrongly described as Md. Kalim</p> <p>Nobody is present on behalf of the Noticee – Vijender.</p> <p>Reply on behalf of the Noticee has been filed. The only stand taken in the Reply is that he has been falsely</p>
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	<p>Item Nos. 6 to 10</p> <p>November 28, 2016</p>	<p>implicated though he was caught red handed carrying sand mining. The stand taken by the Noticee is not believable. In the Application it is stated that he is a driver of the Truck Number UP -16-N-2376. In these circumstances, we direct the said Noticee to pay Environmental compensation of Rs. 50,000/-, within three weeks from today, to the State 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.</p> <p>Accordingly, Original Application No. 372 of 2015 stands disposed of without any order as to costs.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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