

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL**

M.A. No. 402/2015

in

Original Application No. 140/2013

Radharani Vajpayee vs State of M.P. & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN EXPERT MEMBER

PRESENT : Applicant : Shri Ayush Dev Bajpai, Advocate
Shri Shantanoo Saxena, Advocate
State of MP : Shri Sachin K. Verma, Advocate
Respondent No. 15 to 23: Shri Ravikant Patidar, Advocate
& 26 to 30
MPPCB : Ms. Parul Bhadoria, Advocate for
Shri Purushaindra Kaurav, Advocate
Intervener : Shri Dharamvir Sharma, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 5 9th September, 2015	<p>The Learned Counsel for the State Government has produced before us documents from the Divisional Forest Officer, Dewas wherein vide letter dtd. 14.08.2015 he has informed the District Collector about the restoration plan for which this Tribunal had ordered after having stopped the illegal mining and stone crushing units operating therein. The State Government needs to apprise us as to how much financial resources it intends to provide for the restoration work for the first year i.e. 2015-16 on the basis of the project report / restoration plan submitted by the DFO, Dewas.</p> <p>Shri Ravikant Patidar, Learned Counsel for the mining lease holders as well as the stone crusher submits that they had carried out the activity only in terms of the valid lease granted to them. He submits that in view of the above, M.A. No. 402/2015 with the prayer that the liability may not be fastened upon the mining lease holders and the stone crushers. We are not impressed by the aforesaid submission. Our attention has also drawn to our order dtd. 05.05.2015 wherein we had directed that each of the mining lease holders shall be required to deposit 50% of the amount for meeting the restoration cost and was required to give the security in terms of our order of Rs. 1,00,000/- (one</p>

lakh) per hectares. Based upon the estimate which have been submitted now by the State Government, we find that the total cost for each of the mining lease holder/ stone crusher unit needs to be revised as they have only deposited security by cheque of Rs. 1,00,000/- (one lakh) each whereas their area under mining lease / stone crusher may be much more. The State Government on the next date, therefore, shall provide correct estimate with regard to the liability to be fastened on the basis of the 50% of the cost on each of the mining lease holder / stone crusher units based upon our earlier order dtd. 05.05.2015.

Let the matter be listed on **23rd September, 2015.**

.....JM
(DALIP SINGH)

.....EM
(BIKRAM SINGH SAJWAN)





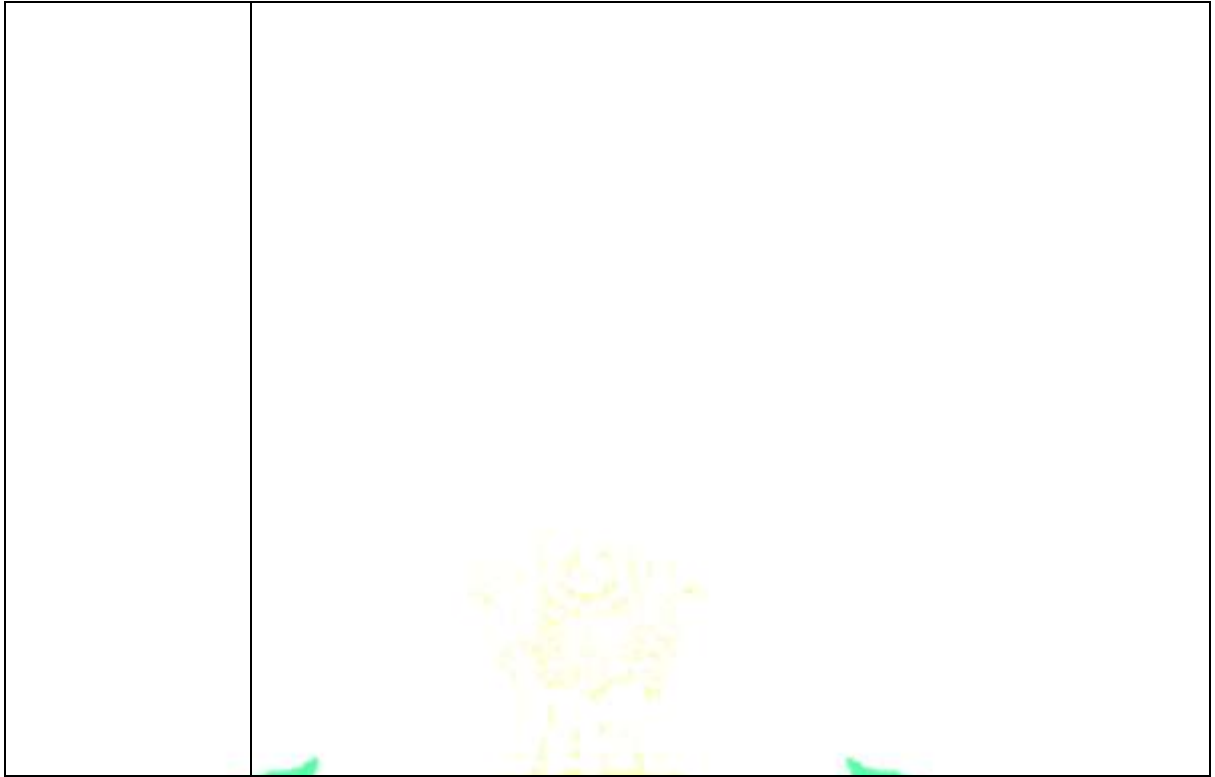
BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL

Original Application No. 140/2013
Radharani Vajpayee v. State of M.P. & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN EXPERT MEMBER

PRESENT : Applicant : Shri Ayush Dev Bajpai, Advocate with
Shri Shantanoo Saxena, Advocate
State of MP : Shri Sachin K. Verma, Advocate
Respondent MPPCB : Ms. Parul Bhadoria, Advocate for
Shri Purushaindra Kaurav, Advocate
Respondent No. 15 to 23: Shri Ajay Gupta, Advocate with
& 26 to 30 Shri Ravikant Patidar, Advocate
Intervener : Shri Dharamvir Sharma, Advocate

Date and Remarks	Orders of the Tribunal
<p>Item No. 4 24th August, 2015</p>	<p>Service has been affected on the 7 units to whom notices were issued. However office has not made the report with regard to the fact whether security amount has been deposited or not. After getting the report from the MPPCB the office shall made the report whether the amount is deposited or not as directed.</p> <p>The Learned Counsel for the State is directed to submit whether the Forest Department has commenced the restoration work for carrying out afforestation in the area as per the plan submitted</p> <p>Let the matter be listed on 7th September, 2015.</p> <p style="text-align: right;">.....JM (DALIP SINGH)</p> <p style="text-align: right;">.....EM (BIKRAM SINGH SAJWAN)</p>



**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL**

Original Application No. 140/2013
Radharani Vajpayee v. State of M.P. & Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN EXPERT MEMBER**

PRESENT : Applicant : **Shri Shantanoo Saxena, Advocate**
State of MP : **Shri Sachin K. Verma, Advocate**
Respondent MPPCB : **Ms. Parul Bhadoria, Advocate for**
Shri Purushaindra Kaurav, Advocate
Respondent No. 15 to 23: **Shri Ajay Gupta, Advocate with**
& 26 to 30 **Shri Nishant Goel, Advocate**

Date and Remarks	Orders of the Tribunal
<p>Item No. 5</p> <p>17th August, 2015</p>	<p>The office has reported that 26 lease holders/crushing out of 33 units have deposited the cheques. So far as the remaining are concerned the R.O., MPPCB shall issue notices to each one of them to make the compliance failing which they will appear before this Tribunal on the next date in person.</p> <p>Notices be issued to :</p> <ol style="list-style-type: none"> 1. Smt. Vijay Laxmi, Girish Sharma, Jawahar Nagar, Devas 2. Shri Vipin Dubey, 184 Goyal Bihar Ka., Indore 3. Shri Usman Sheikh, Abul Gani, 2 Bhagat Singh, Marg Devas 4. Shri Naieemuddin Sheikh, Moinuddin, 11 Employees Colony, Devas 5. Shri Ibrahim Abdul Gani, 2 Bhagat Singh, Marg Devas 6. Mohd. Tanvir, Abdul Gani, R/o Jawahar Chowk, Devas 7. Shri Mohd. Farooq, Abdul Latif, R/o Kumhar Gali, Devas <p>They are directed to appear or deposit the amount by 24.08.2015 and shall submit the restoration plan and they are directed to start implementation of the same.</p> <p>Let the matter be listed on 24th August, 2015.</p> <p style="text-align: right;">.....JM (DALIP SINGH)</p> <p style="text-align: right;">.....EM (BIKRAM SINGH SAJWAN)</p>

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**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL**

M.A.No. 402/2015, 325/2015 & 357/2015

and

Original Application No. 140/2013

Radharani Vajpayee v. State of M.P. & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN EXPERT MEMBER

PRESENT : Applicant : Shri Ayush Dev Bajpai, Advocate
State of MP : Shri Sachin K. Verma, Advocate
Respondent MPPCB : Ms. Parul Bhadoria, Advocate for
Shri Purushaindra Kaurav, Advocate
Respondent No. 14 to 23: Shri Ajay Gupta, Advocate
& 25 to 30 Shri Ravikant Patidar, Advocate
Proposed Respondents: Shri Dharmveer Sharma, Advocate

Date and Remarks	Orders of the Tribunal
<p>Item No. 5</p> <p>30th July, 2015</p>	<p>Shri Ajay Gupta, Learned Counsel appearing on behalf of the Respondent No. 14 to 23 & 25 to 30 has filed M.A. No. 402/2015 with the prayer that the above named Respondents be absolved of the responsibility of carrying out the restoration of the area. Copy of the Application has been furnished today to the Learned Counsel for the State as well as the Applicant, who may submit their reply in case what is desired.</p> <p style="text-align: center;"><u>M.A. No. 401/2015</u></p>

This M.A. has been filed seeking a direction to the Director of State (Mines) for deciding appeals submitted by the Applicants against the order of the Collector cancelling the mining leases. In the facts and circumstances, we are not inclined to pass any order by way of direction to the Director to decide the appeals.

M.A. No 401/2015 accordingly stands disposed of.

Registry is directed to furnish details with regard to the compliance of the deposit of Rs. One lakh by way of surety with the Registrar by the lease-holders. The State shall also furnish the entire list of the lease-holders who may not have been party before this Tribunal and serve a copy of the order of this Tribunal directing each one of them to deposit Rs. One lakhs with the Registry of this Tribunal at Bhopal by way of surety.

M.A.No. 325/2015 and 357/2015

These M.As. have been filed by the Respondent with the prayer to take on record the cheques of Rs. One lakh as surety deposit. The said cheques having been received, the M.A.No. 325/2015 and 357/2015 stands disposed of.

List the matter on **17th August, 2015.**

.....JM
(DALIP SINGH)

.....EM
(BIKRAM SINGH SAJWAN)

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**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL**

M.A.No. 348/2015 to 354/2015

and

Original Application No. 140/2013

Radharani Vajpayee v. State of M.P. & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. BIKRAM SINGH SAJWAN EXPERT MEMBER

PRESENT : Applicant : Shri Shantanoo Saxena, Advocate with
Shri Ayush Dev Bajpai, Advocate
State of MP : Shri Sachin K. Verma, Advocate
Respondent MPPCB : Ms. Parul Bhadoria, Advocate for
Shri Purushaindra Kaurav, Advocate
Respondent No. 14 to 23: Shri Ajay Gupta, Advocate
& 25 to 30 Shri Nishant Goel, Avocate
Proposed Respondents: Shri Dharmveer Sharma, Advocate
Respondent / Urja Vibhag: Ms. Usha Narnaware, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 7 13 th July, 2015	<p style="text-align: center;"><u>M.A.No. 348/2015 to 354/2015</u></p> <p>These intervention applications have been filed by persons who claim to be affected in terms of the judgment of the Tribunal. These applications are disposed of with the condition that further hearing will be subject to their deposit of cheques to the tune of Rs. One Lakh.</p> <p>In the meanwhile the State will furnish details of the plan prepared for restoration of the area Khasra-wise and along with the Forest Department proceed with the restoration work.</p> <p>Shri Dharmveer Sharma, Learned Counsel submits that the cheques will be furnished within three days. On receipt of the same the case will be listed on 21st July 2015.</p> <p style="text-align: right;">.....JM (DALIP SINGH)</p> <p style="text-align: right;">.....EM (BIKRAM SINGH SAJWAN)</p>

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL

M.A.No. 150/2014

and

Original Application No. 140/2013
Radharani Vajpayee v. State of M.P. & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

PRESENT : Applicant : Shri Shantanoo Saxena, Advocate
State of MP : Shri Sachin K. Verma, Advocate
Respondent MPPCB : Ms. Parul Bhadoria, Advocate for
Shri Purushaindra Kaurav, Advocate
Respondent No. 14,15,17 to 25 : Shri Nishant Goel, Advocate
27,28 & 30

Date and Remarks	Orders of the Tribunal
Item No. 15 28th May, 2015	<p>Despite the order dated 19.05.2015, the deposit of cheque has not been made. Learned Counsel still prays for further time. This issue for depositing the amount have been pending for a considerable period of time and sufficient opportunity has also been provided.</p> <p>As a last opportunity, we grant time up to 30.05.2015 to deposit the cheque with the Registrar, National Green Tribunal, Central Zone Bench, Bhopal. It is made clear that in case the cheque for the amount of Rs. 1 lakh is not deposited with the Registrar, NGT, CZB, the Counsel for the State on verification of the fact shall convey to the District Collector, Dewas / Respondent No. 8 and Sub-Divisional Officer, Dewas / Respondent No. 9 for attachment of the property of the defaulting parties and provide a list of such defaulting parties to the District Collector and SDO, Dewas.</p> <p>Let the matter be listed for reporting compliance on 13.07.2015. On the said date, the Counsel for the State shall also submit the report with regard to the restoration plan and steps</p>

taken by the State in that behalf for final preparation and carrying out the same.

M.A.No. 150/2014

In view of the orders already passed, Counsel does not press the M.A.No. 150/2014 for production of the document and supply of copy to the Respondents. Accordingly M.A.No. 150/2014 stands disposed of.

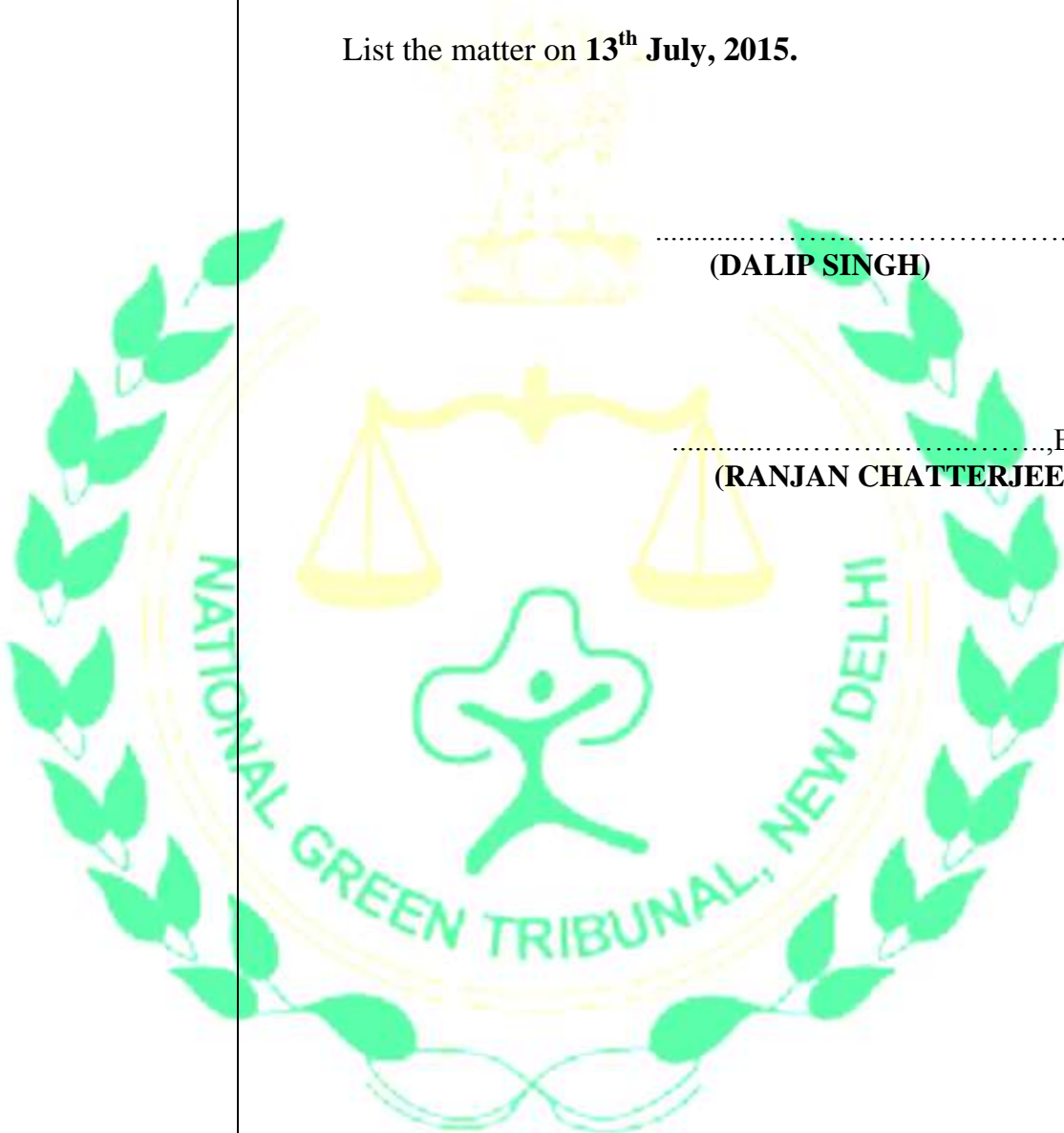
List the matter on **13th July, 2015.**

.....JM

(DALIP SINGH)

.....EM

(RANJAN CHATTERJEE)



**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL**

**Original Application No. 140/2013
Radharani Vajpayee v. State of M.P. & Ors.**

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

PRESENT : Applicant : None
State of MP : Shri Sachin K. Verma, Advocate
Respondent MPPCB : Ms. Parul Bhadoria, Advocate for
Shri Purushaindra Kaurav, Advocate
Respondent No. 14,15,17 to 25 : Shri, Ajay Gupta Advocate
27,28 & 30 : Shri Ravikant Patidar Advocate

Date and Remarks	Orders of the Tribunal
Item No. 6 19th May, 2015	<p>Shri Ajay Gupta, Learned Counsel appearing for the 17 Respondents undertakes to deposit an amount in terms of the order dtd. 05.05.2015 within a week by way of cheque with the Registrar as directed under the order dtd. 05.05.2015. In the case of remaining Respondents, State shall convey the order dtd. 05.05.2015 directing them to deposit an amount with the Registrar within a week. All the Respondents i.e. quarry holder/mining lease holders shall submit their restoration plan with estimated cost for restoration of the area under their control within a week from today.</p> <p style="text-align: center;">Let the matter be listed on 28th May, 2015.</p> <p style="text-align: right;">.....JM (DALIP SINGH)</p> <p style="text-align: right;">.....EM (RANJAN CHATTERJEE)</p>

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**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL**

Original Application No. 140/2013
Radharani Vajpayee v. State of M.P. & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

PRESENT : Applicant : Shri Ayush Dev Bajpai, Advocate
State of MP : Shri Sachin K. Verma, Advocate
Respondent MPPCB : Ms. Parul Bhadoria, Advocate for
Shri Purushaindra Kaurav, Advocate
Respondent No. 14,15,17 to 25 : Shri Ravikant Patidar, Advocate for
27,28 & 30 Shri Ajay Gupta, Advocate
Respondent No. 6 : Ms. Usha Narnaware, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 10 7 th May, 2015	<p>As requested by the Learned Counsel for the parties, the matter be listed on 19th May, 2015.</p> <p align="right">.....JM (DALIP SINGH)</p> <p align="right">.....EM (RANJAN CHATTERJEE)</p>

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BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH,
BHOPAL

Original Application No. 140/2013
Radharani Vajpayee v. State of M.P. & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

PRESENT : Applicant : None
State of MP : Shri Sachin K. Verma, Advocate
Respondent MPPCB : Ms. Parul Bhadoria, Advocate for
Shri Purushaindra Kaurav, Advocate
Respondent No. 14,15,17 to 25 : Shri Ravikant Patidar, Advocate for
27,28 & 30 Shri Ajay Gupta, Advocate
Respondent No. 6 : Ms. Usha Narnaware, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 8 5th May, 2015	<p>Learned Counsel for the State has submitted that the State has formulated the plan figuring out the plantation work as earlier directed by the Tribunal in the exploited area of the 33 stone crusher / stone quarries. It has been submitted that the per hectare cost of restoration has been determined at the rate of Rs. 5 lakh per hectare in terms of the earlier order of the Tribunal. The lessees and the quarry operators are required to bear 50% of the cost and the rest 50% is to be borne by the State. Pending finalisation, we direct that provisionally quarry owners and stone crushing units shall deposit an amount of Rs. 1 lakh per hectare with the Registrar, National Green Tribunal, Central Zone Bench for being paid to the State. Learned Counsel appearing for the stone crushing units / lessee submits that he may be permitted two days time to take instructions in the matter. In the interest of justice, we are inclined to grant time.</p> <p>In the meanwhile, Learned Counsel for the State shall also submit the details of the restoration plan as drawn up by the State. As directed earlier, the quarry owners and stone crushers may also submit their restoration plan in case any proposal on the</p>

stone crushing units are required to be taken into consideration, the same will be handed over to the Learned Counsel for the State for consideration.

We make it clear that the aforesaid order is not restricted to the case of the Respondent stone crusher units / quarry leases but also to all such parties to whom closure notices have been given by the MP State Mining Corporation and PCB. Learned Counsel for the State shall forward a copy of this order to the units who are not party to this application and they may submit their response before the Tribunal on the next date of hearing i.e. 26.05.2015.

List the matter on **7th May, 2015** for response of the Respondents on deposit of the amount for which Learned Counsel has sought time to take instructions.

.....JM
(DALIP SINGH)

.....EM
(RANJAN CHATTERJEE)



BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 140/2013
Radharani Vajpayee v. State of M.P. & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

PRESENT : Applicant : Shri Ayush Dev Bajpayee, Advocate
State of MP : Shri Sachin K. Verma, Advocate
Respondent MPPCB : Ms. Parul Bhadoria, Advocate for
Shri Purushaindra Kaurav, Advocate
Respondent No. 14,15,17 to 25 : Shri Nishant Goel, Advocate for
27,28 & 30 : Shri Ajay Gupta, Advocate

Date and Remarks	Orders of the Tribunal
<p>Item No. 9 22th April, 2015</p>	<p>Shri Sachin K. Verma, Learned Counsel appearing for the State of MP seeks time to submit the estimates which have been worked out in the meeting conducted by the District Collector of all concerned officials and copy of the estimate has been provided to the Learned Counsel for the Respondent/33 Crushing Units. He seeks time to make submissions on the same. Shri Sachin K. Verma, Learned Counsel is directed to file copy of the estimates along with the affidavit from the State. We make it clear that so far as the aforesaid estimates are concerned the owners of the mines and crushing units shall be liable to pay 50% of the estimated amount and 50% shall be borne by the State and it shall be the responsibility of the State through its various departments and organizations to carry out the aforesaid work of restoration.</p> <p>Let the matter be listed on 5th May, 2015</p> <p>.....,JM (DALIP SINGH)</p> <p>.....,EM (RANJAN CHATTERJEE)</p>



BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 140/2013
Radharani Vajpayee v. State of M.P. & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
 HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

PRESENT : Applicant : Shri Dharamvir Sharma, Advocate
 for Shri Shantanoo Saxena, Advocate
 State of MP : Shri Sachin K. Verma, Advocate
 Ms. Farhat Jahan, Mining Officer, Dewas
 Respondent MPPCB : Ms. Parul Bhadoria, Advocate for
 Shri Purushaindra Kaurav, Advocate
 Respondent No. 6 : Ms. Usha Narnaware, Advocate
 Respondent No. 14,15,17 to 25 : Shri Ajay Gupta, Advocate
 27,28 & 30

Date and Remarks	Orders of the Tribunal
Item No. 3 24th March, 2015	Shri Sachin K. Verma, Learned Counsel appearing for the State of MP as well as Shri Ajay Gupta Learned Counsel

appearing for the Respondents lease holders have submitted that all the 33 mining leases have been cancelled/closed down, so also the stone crushing units have been closed down and sealed. So far as the grievance raised in the petition relating to unauthorised mining contrary to the provision of the environmental laws and the operation by the stone crushing units are concerned, the District Administration, the Mining Department and the State have also taken action in the matter.

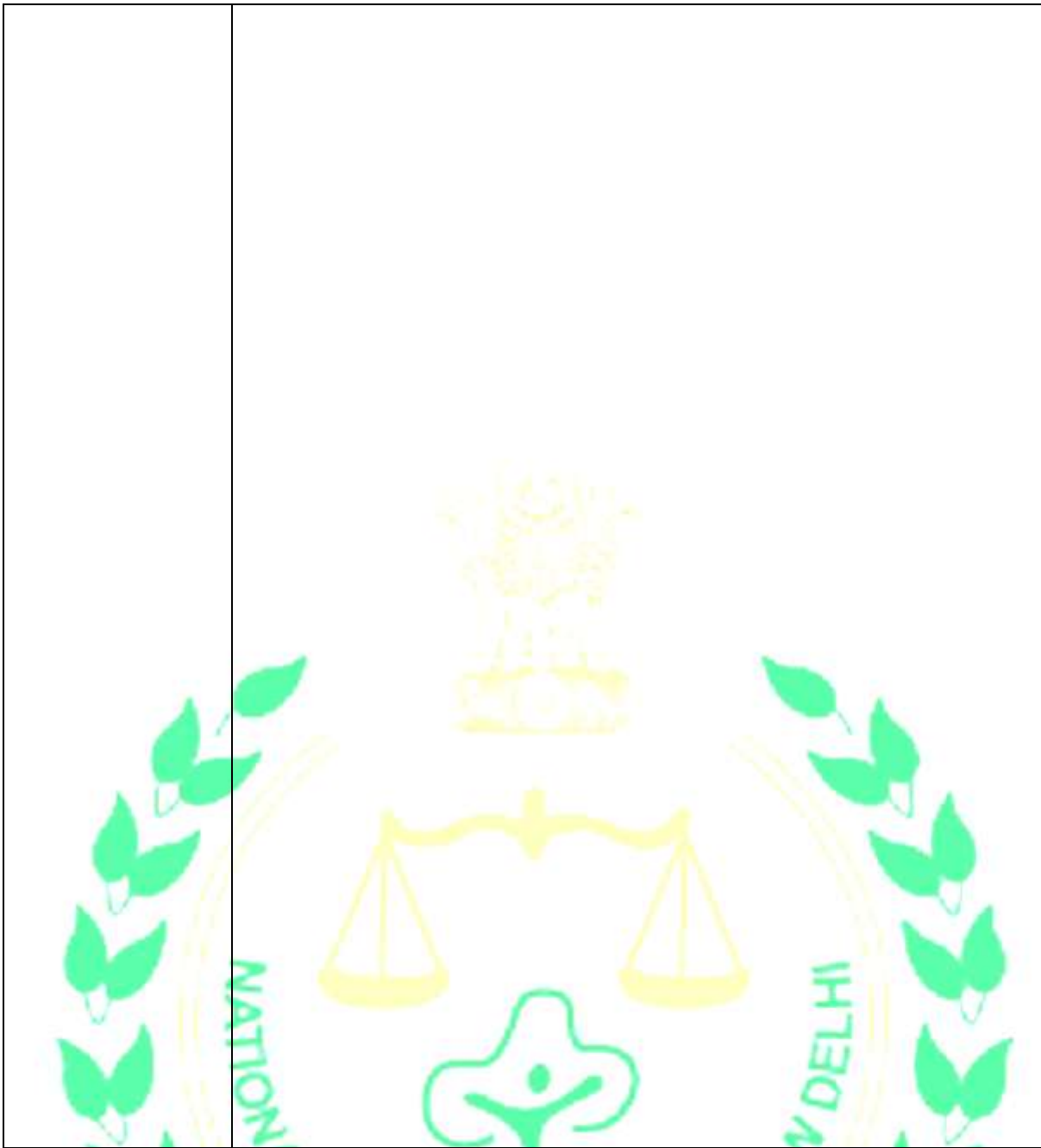
The issue remains to be considered is with regard to loss of environment as also measures and steps required to be taken for restoration/afforestation and prevention of illegal activities in future. Shri Sachin K. Verma, Learned Counsel for the State of MP submitted that through the District Collector a meeting of all concerned departments i.e. mining, forest and revenue etc. along with the officials of the MPPCB shall be held and steps which may be taken for restoration and afforestation as well as preventing legal activities shall be submitted with due proposals as also the estimated cost for the same.

The State shall also submit the details of the turnover of the respective mining lease holders as well as by the stone crushing units for determination of their liability with regard to restoration.

Let the matter be listed on **22th April, 2015.**

.....,JM
(DALIP SINGH)

.....,EM
(RANJAN CHATTERJEE)



BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

M.A.No. 110/2015

and

Original Application No. 140/2013

Radharani Vajpayee v. State of M.P. & Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : Shri Dharamvir Sharma, Advocate
For Shri Shantanoo Saxena, Advocate
State of MP : Shri Sachin K. Verma, Advocate
Respondent MPPCB : Ms. Parul Bhadoria, Advocate for
Shri PURushaindra Kaurav, Advocate
Respondent No. 14,15,17 to 25 : Shri Ajay Gupta, Advocate
27,28 & 30**

Date and Remarks	Orders of the Tribunal
Item No. 4 23rd February, 2015	<u>M.A.No. 110/2015</u> Shri Dharamvir Sharma, Advocate appearing on behalf of

Shri Shantanoo Saxena, Advocate prays for adjournment on the grounds mentioned in the M.A.

Shri Ajay Gupta, Learned Counsel for Respondents, has no objection for the M.A. being allowed.

M.A.No. 110/2015 is allowed and accordingly stands disposed of.

Let the matter be listed on **24th March, 2015.**

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)



BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 140/2013
Radharani Vajpayee v. State of M.P. & Ors.

CORAM : HON'BLE MR. JUSTICE PRATAP KUMAR RAY, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER

PRESENT : Applicant : Shri Shantanoo Saxena, Advocate
State of MP : Shri Sachin K. Verma, Advocate
Respondent No. 6 : Ms. Usha Narnaware, Advocate
Respondent No. 14,15,17 to 25 : Shri Ajay Gupta, Advocate
27,28 & 30

Date and Remarks	Orders of the Tribunal
Item No. 1 4th February, 2015	<p>Shri Sachin K. Verma, Learned Counsel appearing for the Respondent/State of MP submits that due to some unavoidable reason though the final hearing was held by the District Collector, Dewas but final order has not been passed. He prays for time to submit the final order. On his prayer matter stands adjourned to 23.02.2015.</p> <p>.....JM (JUSTICE PRATAP KUMAR RAY)</p> <p>.....EM (P.S.RAO)</p>

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BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 140/2013
Radharani Vajpayee v. State of M.P. & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER

PRESENT : Applicant : Shri Ayush Dev Bajpai, Advocate
MPPCB Ms. Parul Bhadoria, Adv. with
Dr. Lalita Sharma
State of MP : Shri Sachin K. Verma, Advocate

Date and Remarks	Orders of the Tribunal
<p>Item No. 16</p> <p>15th January, 2015</p>	<p align="center">Shri Sachin K. Verma, Learned Counsel appearing for the State of MP, states that the Collector (Mines) hearing the matter has fixed the date on 27.01.2015 for pronouncement of the order.</p> <p align="center">As such matter may be listed after the said date.</p> <p align="center">Matter be listed on 4th February, 2015.</p> <p align="right">.....JM (DALIP SINGH)</p> <p align="right">.....EM (P.S.RAO)</p>

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BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

M.A. No. 657/2014

and

Original Application No. 140/2013
Radharani Vajpayee v. State of M.P. & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER

PRESENT : Applicant : Shri Shantanoo Saxena, Advocate
Respondent No. 7 & 13 Ms. Parul Bhadoria, Adv. for
Shri Purushaindra Kaurav, Adv.
Shri K.P.Soni, OIC
Respondent No. 1to5, 8to10 : Shri Sachin K. Verma, Advocate
Respondent No. 12 Shri Rohit Sharma for Sh. Alankar Soni, Adv.
Respondent No. 14, 15, : Shri Ajay Gupta, Advocate &
17 to 25, 27 to 30 Shri Nishant Goel, Advocate
Respondent No. 6 : Ms. Usha Narraware, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 6 26th November, 2014	<u>M.A. No. 657/2014</u> M.A. No. 657/2014 has been filed on behalf of the Applicant stating therein that the Applicant Smt. Radharani Vajpayee has expired during the pendency of this application and death certificate to that effect has been submitted along with the application with the prayer that her grandson shall pursue the matter in public interest. The prayer is not opposed. Accordingly, M.A. No. 657/2014 is allowed. Necessary corrections may be carried out in the cause title and the Applicant may file the amended cause title.

M.A.No. 657/2014 stands disposed of.

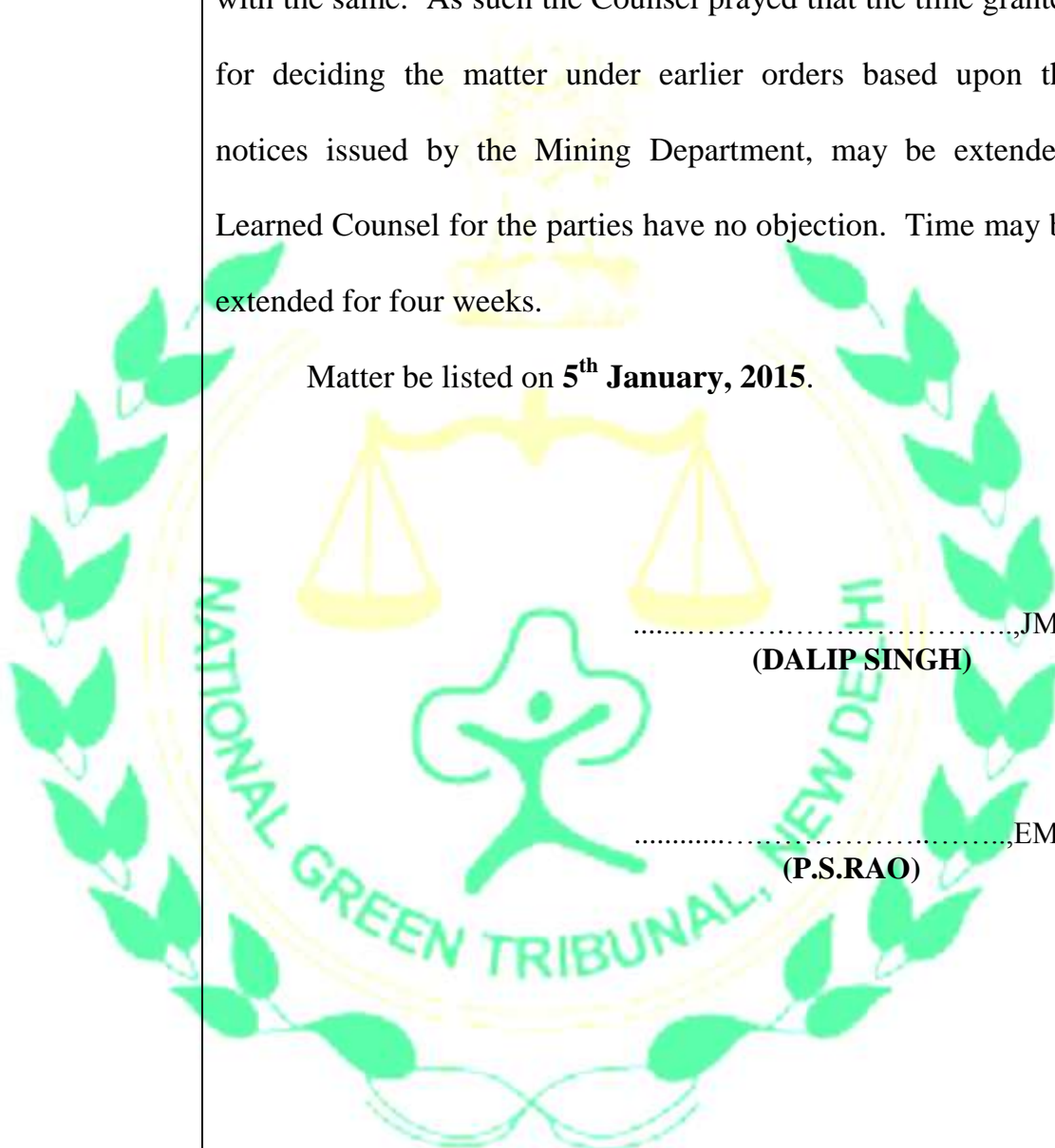
The Respondent No. 7 has submitted the reply. The same is ordered to be taken on record.

The Learned Counsel for the State submitted that since the elections for the local bodies are scheduled to be held in this month, the officials, District Collector in particular are involved with the same. As such the Counsel prayed that the time granted for deciding the matter under earlier orders based upon the notices issued by the Mining Department, may be extended. Learned Counsel for the parties have no objection. Time may be extended for four weeks.

Matter be listed on **5th January, 2015.**

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)



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BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Misc. Application No. 546/2014

and

Original Application No. 140/2013

Radharani Vajpayee v. State of M.P. & Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : Shri Shantanoo Saxena, Advocate
Respondent No. 7 & 13 Ms. Parul Bhadoria, Adv. for
Shri Purushaindra Kaurav, AAG
Respondent No. 1to5, 8to10 : Shri Yash K.Singh, Advocate for
Shri Sachin K. Verma, Advocate
Respondent No. 12 Shri Rohit Sharma for Sh. Alankar Soni, Adv.
Respondent Leaseholders : Shri Ajay Gupta, Advocate
Respondent No. 26 : Shri Manoj Verma, Advocate**

Date and Remarks	Orders of the Tribunal
Item No. 3 23rd September, 2014	<p><u>M.A.No. 546/2014</u></p> <p>This M.A. has been filed by the State Government by way of an application of the District Collector, Dewas praying for extension of time to submit the report as directed by this Tribunal under the earlier order dated 05.08.2014.</p> <p>Learned Counsel for the lease holders, Shri Ajay Gupta pointed out that, in fact, in the garb of the proceedings before this Tribunal only a few lease holders have been identified and are targeted by means of issuing the show cause notice. He submitted that in the entire belt, there are more than 40 lease holders and to review the permissions granted as well as the compliance of the conditions with respect to each one of them, reply may be sought from the MPPCB as well as the Mining Department.</p> <p>As far as the aforesaid position is concerned, we direct that the Pollution Control Board shall carry out the review of the compliance of the conditions of the permissions granted to each of such mining lease holders in Village Shankargarh, Palnagar, Rajoda and Dewas Junior of District Dewas.</p> <p>Apart from ensuring compliance of the conditions and verifying</p>

the fact whether or not necessary permissions have been obtained by each of such mining lease holders and crushing units, the issue with regard to improving the environment of the area shall also be examined as has been submitted that with such a large number of mines and crushing units operating in the area. The environment as a whole is being targeted and needs not only protection but improvement. The report to be submitted by the MPPCB as well as the State shall also indicate the number of leases which have been granted year-wise for each of such lease holders and crushing units and how many of them are actually existing and conducting operations.

Also in consultation with the Forest Department, the District Collector shall indicate whether it would be feasible for the Revenue Department to consider handing over the area to the Forest Department for preservation and protection of the same by allowing natural regeneration to come up supplemented with artificial regeneration by planting suitable species of trees/shrubs/grasses etc. depending on the soil conditions and taking measures for foolproof protection from biotic interference in the area though it is reported that presently the hills are barren/denuded.

As such, in M.A.No. 546/2014, we grant time to the Respondents to submit their report by 19.11.2014. In the meanwhile, the Respondent lease holders / owners of the crushing units may submit their reply by 19.11.2014 failing which their right to file reply shall be closed. M.A. No. 546/2014 stands disposed of.

List on **26th November, 2014.**

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 140/2013

Radharani Vajpayee v. State of M.P. & Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : Shri Shantanoo Saxena, Advocate
Respondent No. 7 & 13 Ms. Parul Bhadoria, Adv. for Shri
Purushaindra Kaurav, AAG
Respondent No. 6 : Shri Sachin K. Verma, Advocate
Respondent No. 12 Sh. Rohit Sharma & Sh. Vivek Sengar, Adv.
Respondent : Shri Ravikant Patidar for Shri
Shri Ajay Gupta, Advocate
Respondent No. 26 : Shri Manoj Verma, Advocate**

Date and Remarks	Orders of the Tribunal
Item No. 6 5th August, 2014	<p>Heard learned counsel for the parties. A perusal of the reply submitted by the State goes to show that in the month of February, 2014 the Collector (Mines), District Dewas has issued show-cause notices against the lease-holders of the mines enumerating the various shortcomings and violations which were found in respect of each of the mining lease holders. It is stated that replies to the show-cause notices have also been submitted by the respective lessees. However, orders after consideration of the replies and hearing the lease-holders, have not been passed in respect of the show-cause notices given by the Collector (Mines), Dewas. We would expect that the Collector (Mines), Dewas shall conclude the proceedings in respect of each of the mine lease holders to whom notices have been issued to show cause within a period of 30 days from today by affording an opportunity of personal hearing. The first hearing in this matter shall be held on 20th August, 2014 on which date each of the lessees shall appear before the Collector (Mines) at 3:00 p.m. The Collector (Mines) shall also in addition to the above, direct that the notices be sent through the Mining Officer concerned for serving upon each of the lessees to whom notices have been issued and after hearing parties necessary orders shall be passed.</p> <p>In case the Mining Officer finds it difficult to effect the service of</p>

the notice to the parties, he would be entitled to serve the same at the respective mining site of the lease holders.

We have also considered the reply filed by the Pollution Control Board. We find from the reply that most of the mining leases which are currently operating, were granted for a period of 10 years and in some cases even 20 years. The fact remains that there are about 20 mining leases in operation in the area. It is alleged in the petition that as a result of such long duration of lease period and carrying out of extensive mining operations for such a long duration in such large number of mining leases and more number of leases that may be allotted in future, the entire environment in the area including wind flow and wind direction, may also get affected as a result of which windmills, which are a source of generating renewable energy and which have been set up in the vicinity of mines, may get affected and therefore, it may be required to re-examine the issue in the light of any baseline data that may have been collected at the time when such wind farms were established and looking to their feasibility and the present position as is existing to make it is suggested make a comparative assessment with latest data in order to see whether there are any other changes in the pattern as a result of the extensive mining on the hills that is being carried out as alleged in the petition.

The State Pollution Control Board may for the aforesaid purpose, if necessary, take expert opinion in the matter.

We make it clear that the period of 30 days granted to the Collector (Mines), Dewas shall commence from the date of hearing after notice.

List 23rd September, 2014.

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 140/2013

Radharani Vajpayee v. State of M.P. & Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

PRESENT : Applicant : Shri Shantanoo Saxena, Advocate
Respondent No. 6. Sh. Yash Vishodrthi, Advocate
Respondent No. 7 & 13 Shri Purushaindra Kaurav, AAG
Respondent No. 1to 5, 8, 9 & 10 : Shri Sachin K. Verma, Advocate with Ms.
Farhat Jahan, Mining Officer.
Respondent No. 14-30 except 26: Shri Ajay Gupta, Advocate
Respondent No. 26 Shri J.K. Verma, Advocate

Date and Remarks	Orders of the Tribunal
Item No. 6 22nd May, 2014	<p>During the course of hearing, attention of the Tribunal was drawn to the documents annexed as Annexure 8/2 and similar other documents which are the consents said to have been granted by the State Pollution Control Board. It has been pointed out that the consents have been granted in a mechanical manner without due application of mind for considering whether or not the case falls within the purview of the EIA Notification, 2006 as also requires such consent in the light of the Judgment of the Hon'ble Supreme Court in <i>Deepak Kumar's</i> case and also taking into consideration the fact that individual mines though less than five hectares but cumulatively entire area being of more than 30 hectares cumulative impact thereof. Attention of the Tribunal was drawn particularly to the note appended to the consent letter which is prima facie contradictory in terms.</p> <p>Learned Addl. Advocate General appearing on behalf of the State Pollution Control Board submitted that some time may be allowed by the State Pollution Control Board Authorities to reconsider the matter and come to a specific decision or conclusion in the light of the decision of the Hon'ble Supreme Court in <i>Deepak Kumar's</i> case as to whether or not the case falls within the purview</p>

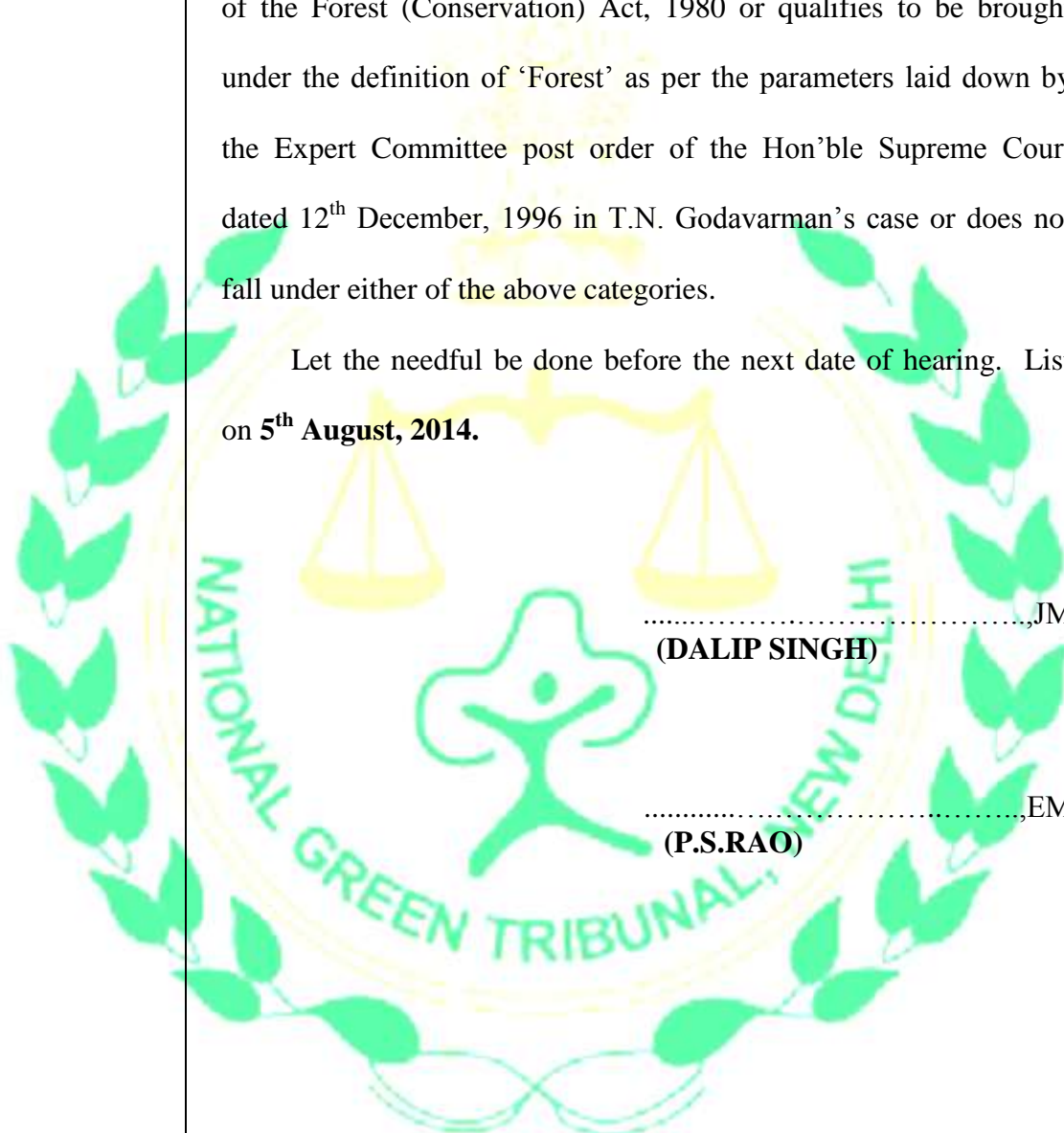
of the EIA Notification, 2006 taking the above factors into consideration.

Learned Standing Counsel for the State is also directed to file a specific affidavit to this effect as to whether or not the land in dispute in District Dewas over which mines have been granted and stone crushers established falls within the purview of 'Forest Land' recorded in government records as on the date of coming into force of the Forest (Conservation) Act, 1980 or qualifies to be brought under the definition of 'Forest' as per the parameters laid down by the Expert Committee post order of the Hon'ble Supreme Court dated 12th December, 1996 in T.N. Godavarman's case or does not fall under either of the above categories.

Let the needful be done before the next date of hearing. List on **5th August, 2014.**

.....JM
(DALIP SINGH)

.....EM
(P.S.RAO)





BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 140/2013

Radharani Vajpayee v. State of M.P. & Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

PRESENT : Applicant : Shri Shantanoo Saxena, Advocate
Respondent No. 6. Smt. Usha Narnaware, Advocate
Respondent No. 7 & 13 Shri Shivendu Joshi, Adv. for Shri
Purushaindra Kaurav, Advocate
Respondent No. 1to 5, 8, 9 & 10 : Shri Sachin K. Verma, Advocate
Respondent No. 14-30 except: Shri Ajay Gupta, Advocate
R-16,24 & 29
Respondent No. 26 Shri Manoj Verma, Advocate

Date and Remarks	Orders of the Tribunal
Order no. 6 23rd April, 2014	<p>Respondent Nos. 1, 8, 4, 10 and 6 have filed the replies copies of which have been supplied to the learned counsel for the Applicant.</p> <p>Learned counsel for the Applicant seeks some time to go through the same and file rejoinder wherever necessary.</p> <p>At request, list on 22nd May, 2014.</p> <p>.....JM (DALIP SINGH)</p> <p>.....EM (P.S.RAO)</p>

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BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

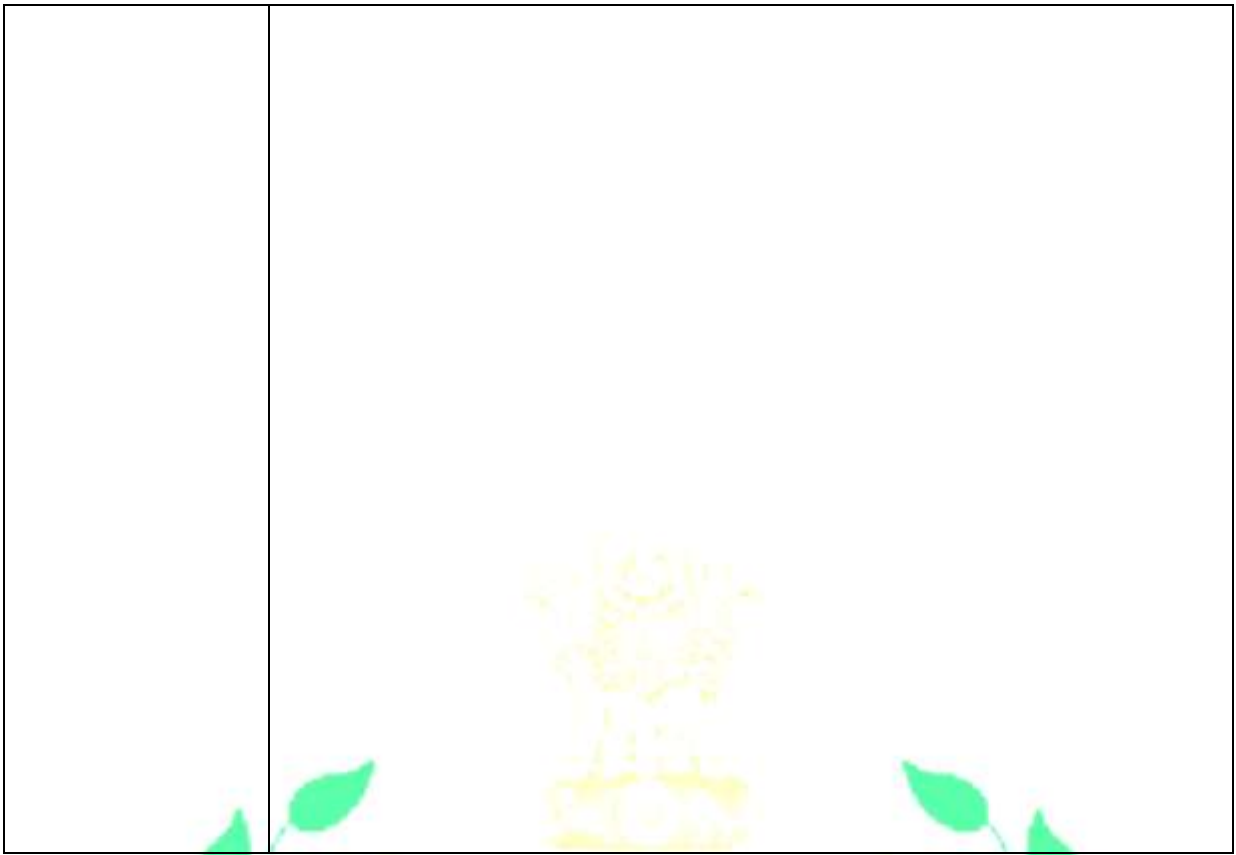
Original Application No. 140/2013

Radharani Vajpayee v. State of M.P. & Ors.

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : Shri Shantanoo Saxena, Advocate
Respondent No. 7 & 13 Shri Shivendu Joshi, Adv. for Shri
Purushaindra Kaurav, Advocate
Respondent No. 1to 5, 8, 9 & 10 : Shri Sachin K. Verma, Advocate
Respondent No. 14-30 except: Shri Ajay Gupta, Advocate
R-16,24 & 29
Shri Manoj Verma, Advocate
Shri Farhat Jahan, Dist. Mining Officer,
Dewas
Dr.S.K. Shrings, SRO, MPPCB**

Date and Remarks	Orders of the Tribunal
Order no. 5 20th March, 2014	<p>As per the office report, Respondent Nos. 14, 15, 16, 21, 24, 25, 28 have not been served. However, Shri Gupta, Advocate states that he has instruction to appear on behalf of Respondent Nos. 14, 15, 21, 25 and 28. As such only Respondent Nos. 16, 24 & 29 remained unserved.</p> <p>Issue notice to Respondent Nos. 16, 24 and 29 through the Mining Officer, District Dewas.</p> <p>Shri Shivendu Joshi, learned counsel has filed reply on behalf of Respondent Nos. 7 and 13. The same is ordered to be taken on record.</p> <p>Learned counsel for the other Respondents request for some time to file the reply.</p> <p>Let the reply be filed before the next date of hearing. List on 23rd April, 2014.</p> <p>.....,JM (DALIP SINGH)</p> <p>.....,EM (P.S.RAO)</p>



BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 140/2013

Radharani Vajpayee v. State of M.P. & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER

PRESENT : Applicant : Shri Shantanoo Saxena, Advocate
Respondent No. 1 to 5, 8, 9 & 10 : Shri Sachin K. Verma, Advocate
Respondent No. 14, 15, 17 to 23 : Shri Ajay Gupta, Advocate
25 to 28 & 30

Date and Remarks	Orders of the Tribunal
Order no. 4 20 th February, 2014	<p>The Learned Counsels appearing for the Respondents submits that they have filed the Vakalatnama and prayed for time to file the reply.</p> <p>Matter be listed on 20.03.2014.</p> <p>.....JM (DALIP SINGH)</p> <p>.....EM (P.S.RAO)</p>

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 140/2013
Radharani Vajpayee Vs. State of MP & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER

PRESENT : Applicant : Shri Shantanoo Saxena, Advocate

Date and Remarks	Orders of the Tribunal
Order no. 3 9th January, 2014	<p>In continuation of the matter heard yesterday, the Learned Counsel for the applicant has moved Misc. Application No. 14/2014 with the prayer for impleading 17 respondents who are allegedly carrying out mining activities in Village Shankargarh, District Dewas, on the said land which as per the petitioner was originally forest land as per the revenue record which has been filed. Misc. Application No. 14/2014 is accordingly allowed.</p> <p>Heard on merits. Issue notice. The Learned Counsel for the applicant is directed to file the amended petition for all the respondents and notice be issued to all the respondents including the newly added respondents. The Learned Counsel for the applicant shall file amended petition alongwith registration / speed post charges.</p> <p>Matter be listed on 20.02.2014.</p> <p>.....JM (DALIP SINGH)</p> <p>.....EM (P.S.RAO)</p>

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

M.A.No. 11/2014

in

Original Application No. 140/2013
Radharani Vajpayee Vs. State of MP & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER

PRESENT : Applicant : Shri Shantanoo Saxena, Advocate

Date and Remarks	Orders of the Tribunal
Order no. 2 8th January, 2014	<p>Applicant has moved M.A.No. 11/2014 for taking on record additional documents. The same is allowed.</p> <p>The Learned Counsel for the applicant submits that on the basis of the information annexed as Annexure P-2, he will move an application for impleading the lease holders has party to the application. He prays for short adjournment.</p> <p>Put up tomorrow, i.e. on 09.01.2014.</p> <p>.....JM (DALIP SINGH)</p> <p>.....EM (P.S.RAO)</p>

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 140/2013
Radharani Vajpayee Vs. State of MP & Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. P.S.RAO, EXPERT MEMBER

PRESENT : Applicant : Shri Shantanoo Saxena, Advocate

Date and Remarks	Orders of the Tribunal
Order no. 1 6 th December, 2013	<p data-bbox="558 720 1365 755">Learned Counsel prays for time up to the first week of January.</p> <p data-bbox="558 809 1179 844">Adjourned as prayed. Stand over to 08.01.2014.</p> <p data-bbox="927 978 1373 1045">.....JM (DALIP SINGH)</p> <p data-bbox="927 1177 1373 1244">.....EM (P.S.RAO)</p> 