

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

**M.A. NO. 577 of 2016 in M.A. No. 24 of 2016**

**IN**

**Original Application No. 123 of 2014**

**Himmat Singh Shekhawat Vs. State of Rajasthan & Ors.**

**CORAM :** HON'BLE DR. JUSTICE JAWAD RAHIM, JUDICIAL MEMBER  
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

**Present:** Applicant in M.A. Mr. Raju Ramchandran, Sr. Adv., Mr. Shiv Mangal Sharma, AAG, Mr. Adhiraj Singh and Rajawat Mr. Saurabh Rajpal, Advs.  
Respondent No. 1: Mr. Shrey Kapoor, Adv. for SEIAA  
Respondents: Mr. Vibha Dutta Makhija, Sr. Adv. and Mr. Divya Prakash Pande, Adv.

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<p>Item No. 01</p> <p>June 14, 2016</p> <p>ss</p>	<p><b><u>M.A. No. 577 of 2016</u></b></p> <p>M.A. No. 577 of 2016 was moved before us by the State of Rajasthan, Department of Environment on 13<sup>th</sup> June, 2016. Through this application State of Rajasthan sought extension of time from 31<sup>st</sup> May, 2016 fixed by this Tribunal vide its order dated 04<sup>th</sup> May, 2016 and 26<sup>th</sup> May, 2016 to dispose of the applications pending consideration for grant of mining lease by the concerned department by another period of 150 days. In support of the relief so sought it was urged that minimum period of 210 days is required to complete the process of considering the applications as stipulated in the MoEF notification. However, we noticed that the order dated 04<sup>th</sup> May, 2016 and 26<sup>th</sup> May, 2016 was passed by the Principal Bench at Delhi comprising of Hon'ble Members of larger strength. As this Vacation Bench comprises only of Two Members, we opined that it is desirable that the application be considered by the Regular Bench which passed the order.</p> <p>However, we were persuaded to accept the request</p>

<p><b>Item No. 01</b></p> <p><b>June 14, 2016</b></p>	<p>of State of Rajasthan/Applicant to grant extension of time till the Regular Bench hears the application. Accordingly, by order dated 13<sup>th</sup> June, 2016 we extended by way of interim measure time to consider the application from 31<sup>st</sup> May, 2016 to till the Regular Bench hears the applications on 05<sup>th</sup> July, 2016 to which date this case has already been listed.</p> <p>While passing such order we also accepted the request of the Rajasthan Government to permit mining operation of the miners whose applications were kept pending for consideration for the short period of extension of time granted by us and for the reasons assigned we permitted reopening of mining portion which was closed on 31<sup>st</sup> May, 2016 for a period we granted extension of time till 5<sup>th</sup> July, 2016. Later we noticed that M.A. No. 577 of 2016 contains only one prayer that is to grant extension of time from 31<sup>st</sup> May, 2016 to consider the applications and there is no prayer seeking in order to reopening the mines which have been closed on 31<sup>st</sup> May, 2016.</p> <p>In the circumstances we have reheard the matter today. We are satisfied that on two counts: viz there is no prayer in the application to permit the reopening of the mines and secondly as the mining operation has been closed on 31<sup>st</sup> May, 2016 it was not proper to allow reopening till the application is heard by the Regular Bench on merit.</p> <p>Hence we, recall last portion of our order dated 13<sup>th</sup> June, 2016 whereby we had permitted the applicants whose applications are pending for consideration before</p>
---	---

	<p><b>Item No.</b> <b>01</b></p> <p><b>June 14,</b> <b>2016</b></p>	<p>the State Authorities to reopen mining till the next date of hearing.</p> <p>Mines shall remain closed. There shall be no mining activity till further orders by the Regular Bench of this Tribunal.</p> <p>However in case the State Government feels necessity it may apply afresh seeking permission to operate the mines.</p> <p>.....,JM (Dr. Jawad Rahim)</p> <p>.....,EM (Dr. Satyawan Singh Garbyal)</p>
--	---	---

