

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

**M.A.No. 347/2015**

**and**

**Original Application No. 39/2015 (CZ)**

**Vinayak Parihar Vs. State of M.P. & 5 Ors.**

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

**PRESENT : Applicant : Shri Vijay Shahani, Advocate  
State of MP : Shri Sachin K.Verma, Advocate  
Shri O.P.Baghel, Mining Officer  
Respondent No.4: Shri Rohit Sharma, Advocate for  
Shri Sandeep Singh, Advocate**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Order No. 2 13<sup>th</sup> July, 2015</b>	<p style="text-align: center;"><b><u>M.A.No. 347/2015</u></b></p> <p>The Applicant has moved this M.A. for taking on record the documents filed along with the same. Copy of the same has been furnished to Learned Counsel for the State.</p> <p>Having heard the Learned Counsel for the parties, we are inclined to allow the M.A. subject to the condition that the Applicant is directed to file an affidavit in support of the contents of the same. The said affidavit be filed within a week.</p> <p>M.A.No. 347/2015 stands disposed of.</p> <p>In view of what has been submitted in the M.A. and as asserted by the Learned Counsel that illegal mining in Narsinghpur area in the river bed of River Narmada is still continuing despite the fact as stated by the Learned Counsel for the State that mining leases have expired by way of the contract awarded to various parties and no contractor is permitted to remove the mineral from the river bed.</p> <p>We deem it just and proper that under the directions of the</p>

Tribunal, a Commission be sent for inspection of the area and submit report. For this purpose, the Applicant would deposit the initial expenses for the Commissioners.

The State has submitted its reply. The same is ordered to be taken on record.

We find from the reply, more particularly Para 4 thereof that during the inspection carried out by the Mining Department and a team consisting of the Sub-Divisional Magistrate inspected the area and found illegal mining the river stream being carried out. Seizures were also made and the area in question is said to have been awarded under the contract to M/s Shiva Corporation to the MP State Mining Corporation. As per the Counsel for the State, the responsibility for the aforesaid illegal mining in the area awarded to the contractor lies with the contractor. It has been further pointed out by the Learned Counsel that the contractor has been awarded this contract two years ago.

In the facts and circumstances, we deem it just and proper to give notice to M/s Shiva Corporation to show cause why the contractor be not held liable for illegal mining as well as liable for being penalised for the illegal operations. Notice shall be served to through the State Mining Department. The contractor M/s Shiva Corporation shall on the date of appearance or before the same, furnish before the Secretary (Mines), Government of Madhya Pradesh a solvent security to the tune of Rs. 1 Crore and in the event of contractor being found liable, the amount of penalty / compensation imposed shall be recovered from the said security. Copy of this order shall also be served along with the notice to M/s

Shiva Corporation.

List the matter on **10<sup>th</sup> August, 2015.**

.....,JM  
**(DALIP SINGH)**

.....,EM  
**(BIKRAM SINGH SAJWAN)**

