

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

Original Application No. 20/2015 (CZ)

Tribunal at its Own Motion v. Chief Secretary, Govt. of MP & 5 Ors.

and

**M.A.No. 332/15, 334/15, 336/15, 337/15, 398/15, 404/15, 413/15, 518/15, 548/15, 551/15,
552/15, 555/15, 690/15 & 693/15**

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE PROF. A.R.YOUSUF, EXPERT MEMBER

PRESENT : Applicant (in M.A.): Shri Shrey Raj Saxena, Adv.
Shri Ayush Dev Bajpai, Adv.
Shri Shivendu Joshi, Adv.
Shri Rohit Sharma, Adv.
State of MP: Shri Sachin K.Verma, Adv.
MPPCB : Ms. Parul Bhadoria, Adv. for
Shri Purushaindra Kaurav, Adv.
Ms. Kalpana Gohli, Adv.

Date and Remarks	Order of the Tribunal
Order No. 12 10th November, 2015	<p style="text-align: center;"><u>M.A.No. 548/2015</u></p> <p>This application has been filed by the Registered owner of the Motor Vehicle No. MP 16 H – 0537 which was seized during the inspection on 10.06.2015 by the Mining Department for allegedly carrying river sand mineral without mining pass / royalty slip.</p> <p>Learned Counsel having consulted his client Shri Kamlesh Pathak, the registered owner of the vehicle submits that the Applicant herein wishes to compound the matter and on that basis, his vehicle may be ordered to be released. Accordingly, we would direct that the Collector (Mines) who is seized of the matter shall determine the compound fee / penalty and on deposit of the same, the Applicant's vehicle may be ordered to be released after verifying that valid registration, insurance and road taxes having been paid and on the further condition that an amount of Rs. 5000/- shall be deposited by the registered owner of the vehicle before Registrar of this Tribunal for being deposited in the Environmental Relief Fund constituted under Section 24 of the NGT Act, 2010 before on the ground that they have been found to be carrying in excess and such activity would adversely have an impact on the environment. In all the 35 cases which have been brought to our notice, the vehicles in question have been carrying quantity of mineral either without pit-</p>

pass or quantity in excess of their registered laden weight. This gives rise to the fact that this is a habitual practice and in turn would lead to excessive quantity of mineral being extracted from the leased area than what has been sanctioned under the mining lease and for which EC at all have been granted. Apart from the above, carrying excess weight than the registered laden weight has also an impact upon the quantity of air as the engine of the vehicle with excessive weight has to generate more power and thereby shall causing air pollution as well.

In this view of the matter, taking a very liberal view, we would in this instance direct that such vehicles which have been found to be carrying pit-pass but were having weight of mineral in excess than their registered laden weight would be released after depositing of Rs. 5000/- with the Registrar towards Environment Relief Fund with the Registrar of this Tribunal as directed above. M.A.No. 548/2015 filed in respect of Vehicle No. MP 16 H – 0537 by Shri Kamlesh Pathak is allowed on the aforesaid condition.

M.A.No. 693/2015

This M.A. has been filed in respect of the vehicle No. MP 19HA 1383 on behalf of the registered owner Smt. Pramila Jain w/o Shri Deepesh Jain. In this case also, as in M.A. 548/2015 and on the same reason we direct that the vehicle be released by the Collector on deposit of the compounding fee as also deposit of Rs. 5000/- before the Registrar of this Tribunal and production of receipt before the Collector (Mines) and verifying that valid registration, insurance and road taxes having been paid.

M.A.No. 567/2015

This M.A. has been filed on behalf of Shri Santosh Kumar Tiwari with regard release of Vehicle No. MP 35 HA 1266 which was seized by the Mining Department on account of being found to be carrying river sand mineral and without having pit pass. Based upon the total quantity of mineral found in the vehicle which was 19 cubic meters, the penalty and the valuation of the mineral have been quantified. We would accordingly direct that the said vehicle be released by the Collector (Mines) on deposit of the penalty and compounding fee as determined in the said order and also on production of

receipt of the Registrar of this Tribunal for the deposit of the environment compensation fee in accordance with Section 24 of the NGT Act, 2010 which would be Rs. 1000 per cubic meter. The reasons for imposition of such penalty for the environmental compensation have already been spelt out in our order on M.A.No. 548/2015 above. Accordingly since the mineral has been found to be 19 cubic meter, the penalty for this purposes of Section 24 would be $19 \times 1000 = \text{Rs. } 19,000/-$. The said amount be deposited before the Registrar, NGT, CZB and on receipt produced before the Collector (Mines), the Collector shall order release of the vehicle in accordance with law and also after verifying the valid registration, insurance and road tax documents.

M.A.No. 568/2015

This M.A. has been filed by Shri Pramod Kumar Tiwari registered owner of Vehicle No. MP 35 HA 1166. The quantity herein is 17.69 cubic meter. We would accordingly direct that the said vehicle be released by the Collector (Mines) on deposit of the penalty and compounding fee as determined and since the mineral has been found to be 17.69 cubic meter, the environmental compensation under Section 24 would be $17.69 \times 1000 = \text{Rs. } 17,690/-$. The said amount be deposited before the Registrar, NGT, CZB and on receipt produced before the Collector (Mines), the Collector shall order release of the vehicle in accordance with law and also after verifying the valid registration, insurance and road tax documents.

M.A.No. 689/2015

This M.A. has been filed by Shri Ashok Kushwaha registered owner of Vehicle No. MP 20 HB 3123. The quantity herein is 18.70 cubic meter. We would accordingly direct that the said vehicle be released by the Collector (Mines) on deposit of the penalty and compounding fee as determined and since the mineral has been found to be 18.70 cubic meter, the environmental compensation under Section 24 would be $18.70 \times 1000 = \text{Rs. } 18,700/-$. The said amount be deposited before the Registrar, NGT, CZB and on receipt produced before the Collector (Mines), the Collector shall order release of the vehicle in accordance with law and also after verifying the valid registration, insurance and road taxes documents.

M.A.No. 690/2015

This M.A. has been filed by Shri Sanjay Gupta registered owner of Vehicle No. MP 20 HB 2638. The quantity herein is 19.44 cubic meter. We would accordingly direct that the said vehicle be released by the Collector (Mines) on deposit of the penalty and compounding fee as determined and since the mineral has been found to be 19.44 cubic meter, the environmental compensation under Section 24 would be $19.44 \times 1000 = \text{Rs. } 19,440/-$. The said amount be deposited before the Registrar, NGT, CZB and on receipt produced before the Collector (Mines), the Collector shall order release of the vehicle in accordance with law and also after verifying the valid registration, insurance and road tax documents.

M.A.No. 711/2015

This M.A. has been filed by Shri Vimal Singh registered owner of Tractor No. UP 90 E 0562. The quantity herein is 3 cubic meter. We would accordingly direct that the said vehicle be released by the Collector (Mines) on deposit of the penalty and compounding fee as determined and since the mineral has been found to be 3 cubic meter, the environmental compensation under Section 24 would be Rs. 5,000/-. The said amount be deposited before the Registrar, NGT, CZB and on receipt produced before the Collector (Mines), the Collector shall order release of the vehicle in accordance with law and also after verifying the valid registration, insurance and road tax documents.

M.A.No. 712/2015

This M.A. has been filed by Shri Rajkishor Chouhan registered owner of Tractor No. MP 35 AA 2510. The quantity herein is 3 cubic meter. We would accordingly direct that the said vehicle be released by the Collector (Mines) on deposit of the penalty and compounding fee as determined and since the mineral has been found to be 3 cubic meter, the environmental compensation under Section 24 would be Rs. 5,000/-. The said amount be deposited before the Registrar, NGT, CZB and on receipt produced before the Collector (Mines), the Collector shall order release of the vehicle in accordance with law and also after verifying the valid registration, insurance

and road tax documents.

M.A.No. 551/2015

This M.A. has been filed by Shri Prithvi Singh Bundela registered owner of Vehicle No. MP 35 GA 0355. The quantity herein is 3 cubic meter. We would accordingly direct that the said vehicle be released by the Collector (Mines) on deposit of the penalty and compounding fee as determined and since the mineral has been found to be 3 cubic meter, the environmental compensation under Section 24 would be 6000/-. The said amount be deposited before the Registrar, NGT, CZB and on receipt produced before the Collector (Mines), the Collector shall order release of the vehicle in accordance with law and also after verifying the valid registration, insurance and road tax documents.

M.A.No. 552/2015

This M.A. has been filed by Shri Prithvi Singh Bundela registered owner of Dumper No. MP 35 MH 0291. The quantity herein is 12.79 cubic meter. We would accordingly direct that the said vehicle be released by the Collector (Mines) on deposit of the penalty and compounding fee as determined and since the mineral has been found to be 12.79 cubic meter, the environmental compensation under Section 24 would be $12.79 \times 1000 = \text{Rs. } 12,790/-$. The said amount be deposited before the Registrar, NGT, CZB and on receipt produced before the Collector (Mines), the Collector shall order release of the vehicle in accordance with law and also after verifying the valid registration, insurance and road tax documents.

M.A.No. 709/2015

This M.A. has been filed by Shri Mehmud Ansari registered owner of Dumper No. MP 16 MH 1866. The quantity herein is 20.94 cubic meter. We would accordingly direct that the said vehicle be released by the Collector (Mines) on deposit of the penalty and compounding fee as determined and since the mineral has been found to be 20.94 cubic meter, the environmental compensation under Section 24 would be $20.94 \times 1000 = \text{Rs. } 12,790/-$. The said amount be deposited before the Registrar, NGT, CZB and on receipt produced before the Collector (Mines), the Collector shall order release of the

vehicle in accordance with law and also after verifying the valid registration, insurance and road tax documents.

M.A.No. 518/2015

This M.A. has been filed by Smt. Khushbu Jain registered owner of Dumper No. MP 35 HA 1118. The quantity herein is 17.68 cubic meter. We would accordingly direct that the said vehicle be released by the Collector (Mines) on deposit of the penalty and compounding fee as determined and since the mineral has been found to be 17.68 cubic meter, the environmental compensation under Section 24 would be $17.68 \times 1000 = \text{Rs. } 17,680/-$. The said amount be deposited before the Registrar, NGT, CZB and on receipt produced before the Collector (Mines), the Collector shall order release of the vehicle in accordance with law and also after verifying the valid registration, insurance and road tax documents.

M.A.No. 569/2015

This M.A. has been filed by Shri Ashok Kushwaha registered owner of Tractor No. MP 21 G 1249. The quantity herein is 3 cubic meter. We would accordingly direct that the said vehicle be released by the Collector (Mines) on deposit of the penalty and compounding fee as determined and since the mineral (stone) has been found to be 3 cubic meter, the environmental compensation under Section 24 would be Rs. 5,000/-. The said amount be deposited before the Registrar, NGT, CZB and on receipt produced before the Collector (Mines), the Collector shall order release of the vehicle in accordance with law and also after verifying the valid registration, insurance and road tax documents.

The aforesaid M.As. stand disposed of.

List on **15th December, 2015.**

.....JM
(DALIP SINGH)

.....EM
(PROF. A.R.YOUSUF)