

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

**Original Application No. 127/2013 (THC) (CZ)
Santosh Mittal & Ors Vs. State of Rajasthan & Ors.**

and

**and Original Application No. 128/2013 (THC) (CZ)
Rajesh Kumar Saini and Ors. Vs. State of Rajasthan & Ors.**

And

**Original Application No. 128/2015 (THC) (CZ)
Shri Surendra Nath Bhargava Vs. State of Rajasthan & Ors.**

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE Dr. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

**PRESENT : Applicant : : None
State of Rajasthan RSPCB: Shri Rohit Sharma, Adv. for
Shri Sandeep Singh, Advocate
HSPCB : Shri Rohit Sharma, Adv.**

Date and Remarks	Orders of the Tribunal
Item No.9 to 12 14th March, 2017	<p>By way of compliance in this matter State of Rajasthan has filed document annexure R-1, R-2, R-3 & R-4 that show what steps have been taken so far to comply with the directions issued by this Tribunal in various order being from 31.08.2016, 28.10.2016, 17.01.2017 & 22.02.2017.</p> <p>To summarise, the Respondent / State of Rajasthan has identified various heads with regard to assessment of damage as a result of illegal mining and illegal felling of trees and destruction of the forest. As per the committee appointed regarding which the detail has been provided in Annexure R-1 , the letter of the Collector, Alwar dtd. 28.10.2016, the following categories of losses have been identified :</p> <ol style="list-style-type: none">1. Loss to be computed towards loss of trees and forests based upon the rates of NPV,2. Loss of the mineral on account of illegal mining to be computed based upon the quantity excavated which has been found to be 52,283,390 MT of mineral of which 80% has been estimated as <i>Chejja Pathar</i> i.e. 41,830,772 MT with an estimation in monetary terms of Rs. 430.80 crores ,3. Loss to the environment which has to be determined by the

RSPCB. In addition to the above, there may be also the issue with regard to the loss of the revenue to the State which would be the loss of the State.

While deciding the main matter and during the course of hearing that had come on record that the stone crushers in Harayana regarding about which 368 informations had been provided by the Harayana State Pollution Control Board (HSPCB) who had been receiving illegall raw material in the form of mineral from Rajasthan. The quantification be carried out on the basis of the installed capacity of the crushers as per the 'CTO & CTE' with additional evidence that may be provided including uses of electricity or record of stock & trade / dispatch. We are of the firm view that for the destruction of the environment the market, creditors and suppliers are primarily responsible. After quantifying the loss caused by such stone crushers both in Rajasthan and Haryana, notice of attachment of the property with a direction to deposit the said amount within 30 days be served upon the defaulters failing which action be initiated for recovery and the State of Harayana shall be responsible for assisting the State of Rajasthan in this behalf for recovery of the amount and of depositing the same with the Collector Alwar (Rajasthan).

While above measures have been brought to our notice, the issue of restoration of the environment has so far not been addressed. We would direct the State of Rajasthan to furnish before us a restoration plan for the affected area before this Tribunal. This plan shall include all relevant considerations i.e. of conservation of the area, restoration of forest, back filling with the over burden in case it is still there and also more importantly steps for protecting the area for any future illegal destruction , protection and survival of the plants / trees that may be planted during the current monsoon of 2017 and in future. In addition to the above, the measures for protection and survival and preventing future destruction shall be kept in mind till such time as the Forest Department considers it necessary but for a period of not less than 5 years. The restoration plan be submitted before this Tribunal in the first week of May, 2017 and all necessary steps for arranging plants of

local variety from various nurseries which are conducive be identified for this purpose. A restoration plan, if consider necessary looking to the extent of the area may be drawn for 3 years. We make it clear that entire amount that is recovered under the various heads which have been identified shall be kept separately to be utilised for the purpose of restoration of the environment. Since in many cases the Tribunal has already ordered for restoration of the environment, for ensuring compliance of the EC conditions with regard to the plantation, we would direct that the Principal Chief Conservator of Forest and Principal Secretary (Forest), State of Rajasthan for the aforesaid purpose depute a senior officer from the Forest Department to oversee all restoration works who will be responsible for their initiation and execution along with the supervision. The concerned DFOs shall report directly to such officer for submitting the progress of restoration plan. In case any plan has already been drawn up, we would direct the State of Rajasthan to place before us on or before the next date of hearing. On the next date of hearing the State shall also produce before us data with regard to investigation carried out and steps taken by the State against the defaulting persons against whom FIRs were lodged as directed by us in the main matter.

Copy of this order shall be sent to the Chief Secretary along with the Principal Secretary (Forest) and the Principal Chief Conservator of Forest with a copy to Chief Secretary, State of Haryana and the Member Secretary, Haryana State Pollution Control Board.

Let the matter be listed on 5th May, 2017 for compliance.

.....,JM
(DALIP SINGH)

.....,EM
(Dr. S.S.GARBYAL)

