

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA**

**Original Application No. 29/2016/EZ**

**&**

**M.A. 953/2016/EZ**

**M/S. I.D.I.O.CONSTRUCTION &  
INDUSTRIES (INDIA) LTD.**

**VS**

**UNION OF INDIA & ORS**

**CORAM:** Hon'ble Mr. Justice S.P.Wangdi, Judicial Member  
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

**PRESENT:** Applicant : Ms. Arpita Chowdhury, Advocate  
Mr. Somnath Ray Chowdhury, Advocate  
Respondent No. 1 : Mr. Gora Chand Roy Chowdhury, Advocate  
Respondent No. 2 : Mr. Kumar Ravish, Advocate  
Respondents No. 3 to 8 : Mr. Surendra Kumar, Advocate

<b>Date &amp; Remarks</b>	<b>Orders of the Tribunal</b>
<p><b>Item No. 03</b> <b>23<sup>rd</sup> May, 2016.</b></p>	<p>Having heard the Id. Counsel for the applicant and the MoEF &amp; CC, we are of the view that information as to whether or not the MoEF &amp; CC has responded to letters No.T-12176 dated 08.08.2013 and T-4057 dated 08.05.2013 is necessary as we find this is one of the conditions, being condition No. 9, in the consent order dated 04.03.2015 granted by the Bihar State PCB to the applicant.</p> <p>On a perusal of the letter dated 8.05.2013, a copy of which has been filed with the O.A., we find that the Member Secretary of the Bihar State PCB had sought for clarification from the MoEF &amp; CC, Govt. of India viz., Respondent No.1, as to whether</p>

“Environment Clearance for this mining project is required or not.” It has been informed in the letter that the project proponent, i.e., the applicant in the present case, had applied for consent to establish (NOC) for mining before the Board on 17.11.2011 and the same was pending for disposal.

In order to arrive at an effective and final adjudication in the matter, the reply of the MoEF & CC would be one of the crucial aspects apart from others, particularly, pertaining to the stand taken by the MoEF & CC in paragraph 3 of the affidavit filed in response to O.A. 29/2016/EZ.

In order to expedite the matter we direct the Respondent No.1, MoEF & CC to file an affidavit informing us as to whether the letters dated 08.05.2013 and 08.08.2013 have been dealt with or not and as to whether any response was given to the Member Secretary, Bihar State PCB.

Since the Bihar State PCB appears to be a necessary party we direct that it be impleaded as Respondent No.9 and direct that notice be issued upon them returnable on the next date.

Mr. Surendra Kumar, Ld. Advocate appearing on behalf of Respondents No. 3 to 8 and Mr. Kumar Ravish, Ld. Advocate appearing for the Respondent No. 2 viz., Bihar SEIAA respectively, are requested to inform the Bihar State PCB of the pendency of the

present case and of the directions issued today. Let State PCB, newly added Respondent No.9, also furnish us the information on the outcome of the letters dated 8.05.2013 and 08.08.2013 written to the MoEF & CC seeking clarification as stated before. We request the applicant to serve copies of the application and affidavits filed in this case on the newly added respondent No.9.

Mr. Kumar Ravish has assured us that he will hand over a copy of the application to the concerned respondent.

We may also note for the benefit of the MoEF & CC and the newly added respondent that similar information was sought for by the Bihar SEIAA i.e., Respondent No.2, from the MoEF & CC. They shall also deal with this aspect in their affidavits.

The State PCB i.e., the newly added Respondent No.9, and MOEF & CC shall make efforts to file their affidavits on or before the next date i.e. 31.5.2016 on which date O.A. as well as M.A. are already listed.

**List on 31.05.2016.**

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Justice S.P.Wangdi, JM

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Prof. (Dr.) P. C. Mishra, EM

