BEFORE THE NATIONAL GREEN TRIBUNAL PRINCIPAL BENCH, NEW DELHI

Original Application No. 34/2017 (Earlier OA No. 361/2015)

IN THE MATTER OF:

National Green Tribunal Bar Association Vs. Pradeep Kumar Sinha

CORAM : HON'BLE MR. JUSTICE U.D.SALVI, JUDICIAL MEMBER, ACTING CHAIRPERSON HON'BLE DR. NAGIN NANDA, EXPERT MEMBER

Present: Applicant:

Mr. Raj Panjwani, Sr. Adv., Mr. Rahul Choudhary, Adv. with Ms. Meera Gopal, Advs.

Respondents M

Mr. Dhruv Pal, Adv. for State of Gujarat and Gujarat Pollution Control Board Mr. Krishna Kumar Singh, Adv. for Ministry of Environment, Forest and Climate Change

Ms. Puja Singh, Adv. for Ms. Hemantika Wahi, Adv. with Mr. D.G. Chaudhary, Dept. Secretary and Mr. R. Vala, Dy. Director, for State of Gujarat

Mr. G.C. Shukla and Mr. Vikas Pandey, Advs.

Mr. Somesh Chandra Jha, Adv.

Mr. Priyanka Das and Mr. Rajat Nair, Advs. for Noticee No. 28

Mr. Anand Varma and Ms. Shubhangni Jain, Advs.

Mr. Gautam Singh, Adv.

Mr. Gautam Singh and Mr. Abhishek Singh, Advs.

Date and Remarks	Orders of the Tribunal
Item No. 11 January	Original Application No. 34/2017 Here is the case of the noticee-Mr. Pradeep Sinha
05, 2018 jg	R/o Village Garka, Post Singanpur, Kesjak, Kondagaon, Chhattisgarh who was found possessing one new JCB
	driven by Mr. Pintu and involved in illegal mining of 6 cubic meters of sand at the bank of river Narangi within the limits of Koda Gaon, Police Station.
	Noitcee has filed its response dated 12-07-2017 placing before us his stance and revenue order sheet
	form –A. Learned Counsel appearing on behalf of noticee-Mr.

Item No. 11 January 05, 2018 Jg Pradeep Sinha submits that the noticee was found involved in a miner case of illegal mining of 6 cubic meters of sand and therefore he needs to be saddled with nominal compensation amounting to Rs. 5000/- commensurate with the penalty imposed on him under Chhattisgarh Minor Mineral Rules, 1995. He submits that in some of the cases of the noticees the environmental compensation of Rs. 5000/- each was imposed vide order dated 18-04-2017 in O. A. Nos. 32/2017, 43/2017, 44/2017, 49/2017 and 51/2017.

Learned Counsel appearing on behalf of the applicant, however, points out that in bunch of cases the environmental compensation was imposed taking into consideration the equipments used therefor – vide order dated 11-01-2017. He submits that the cases in which the environmental compensation of Rs. 5000/- was imposed were the cases wherein the notices were not found equipped with any equipments or instruments.

Fact of illegal mining is not disputed. Pertinently, the equipment used for sand mining in the present case is a JCB which when used has a capacity to do environmental degradation to the highest extent. No where it is revealed in the reply that the JCB was used for any other purposes by the noticee other than one in the present case.

We, therefore, have no reason to depart from the rationale used in passing the order dated 11-01-2017. We, therefore, direct the noticee to pay environmental compensation of Rs. 1.5 lacs to the Chhattisgarh State Pollution Control Board. If the compensation is not paid within four weeks from now the same shall be recovered

	as arrear of land revenue in accordance with law.
Item N	In view of this Original Application No. 34/2017
11	stands disposed of accordingly.
Janua 05, 20 jg	
	,ACP (U.D. Salvi)
	,EM (Dr. Nagin Nanda)

