

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

Original Application No. 34/2017 (CZ)
Naveen Sarawat Vs. State of Rajasthan & 5 Ors.
and
M.A. No. 162/2017, 233/2017 to 243/2017

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

PRESENT :

Applicant :	Shri Om Shankar Shrivastav, Adv.
RSPCB/ State of Raj. :	Shri Sandeep Singh, Adv.
Respondent :	Shri Yadvendra Yadav,
Respondent /Galaxy Royalty:	Shri Apoorv Pandey, Adv.
Respondent :	Shri Shantanoo Saxena, Adv.

Date and Remarks	Orders of the Tribunal
Item No. 10 24th May, 2017.	<p>We have considered the M.A. No. 279/2017 to 283/2017 filed by the Learned Counsel Shri Shantanoo Saxena on behalf of mining leases holders nos. 83, 84, 85. 86 & 90 in village Gwalda, Tijara. As also the submission with regard to modifying our order dtd. 28.03.2017 by which we had stayed the mining operations of the mining leases in village Hasanpura Mafi, Neemli, Zoda and Gwalda on account of their being in close proximity with the Aravali range keeping in view of the reservation expressed in the report of the DFO Shri Gupta who had expressed his opinion against the grant of the excess royalty collection contract being detrimental to the work of restoration of the forest in the area after the directions was given by this Tribunal in Santosh Misttal Case (O.A. No. 127/2013).</p> <p>Learned Counsel for the State has filed before us the survey sheet of the Tehsil Tijara district Alwar according to which the distances from the mining leases of village Zoda has been given 2.9 km. and the Hasanpura Mafi as 4.8 km. As far as the mining at villages Gwalda and Neemli are concerned the distance from the Arawavli range has been given as less than 500 meters. Learned Counsel Shri Shantanoo Saxena appearing for the mining lease</p>

holders of Gwalda on the other hand contested the aforesaid distance and contended that it was more than 1 km.

So far as the dispute with regard to the distance of mining lease at Gwalda is concerned we direct that Collector Alwar shall constitute a team of Tehsildar Tijara, Mining Officer Alwar and representatives of mining lease holders or the mining lease holder himself and get the distances measured from the boundaries of the Aravali range to the boundary pillars of the mining lease. The report be submitted before us on the next date of hearing.

Learned Counsel appearing for the mining lease holder in village Neemli does not contest the distances of the mining leases from the Aravali range as given by the State.

Shri Om Shankar Shrivastav, Learned Counsel appearing for the Applicant on the other hand in the light of our order dtd. 28.03.2017 submitted that the Counsel for the State and the RSPCB may be directed to place on record report / minutes of the EAC which deliberately and considered the issue for the grant of EC passed in Himmat Singh's case in the case of all the 4 (four) cluster of mines at village Gwalda, Hasanpura Mafi, Zodia and Neemli. Learned Counsel for the State is directed to produce the same on the next date of hearing.

Having considered the matter, we are of the view that keeping in view the distances of more than 4 km. in so far as Hasanpura Mafi and of more than 2 km. at Zodia from the Aravali range is concerned *prima facie* the mining operations can be allowed to be resumed till further orders. In the meanwhile, liberty is granted to the interveners that in case the measurement has been carried out by the District officials they will be at liberty to approach the Tribunal during the vacation.

M.A. No. 162/2017 filed by the Applicant for interim stay against the award of the contract for excess collection of royalty stands disposed of in the light of our order dtd. 28.03.2017 such order has already been passed.

M.A. No. 233/2017 being filed to intervene on behalf of Shri Vinay Yadav stands allowed and disposed of.

M.A. No. 255/2017 to 270/2017 filed by Shri Yadvendra Yadav, Learned Counsel for the mining leases at Neemli stands disposed of by our above order and the M.As NO. 256/2017 to 269/2017 filed for vacation of the interim stay for the mining leases at Zodia, Hasanpur Mafi also stand disposed of in the light of our above order.

Let this matter be listed on **14th July, 2017.**

.....JM
(DALIP SINGH)

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

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