

**BEFORE THE PRINCIPAL BENCH
NATIONAL GREEN TRIBUNAL
NEW DELHI**

CIRCUIT BENCH AT JODHPUR

**Appeal No. 23/2014
(M.A. No. 246/2014)**

Sunil Acharya. V/s Sanjay Bakliyal

**CORAM : HON'BLE MR. JUSTICE M.S. NAMBIAR, JUDICIAL MEMBER
HON'BLE Dr. G.K. PANDEY, EXPERT MEMBER**

Present: Applicant :Mr. Parikshit Nayak, Adv.

Respondent :Mr. Manish Shishodia, Adv. for SPCB

Date and Remarks	Orders of the Tribunal
Item No. 35 July 10, 2014	<p>We have heard Mr. Parikshit Nayak, learned Counsel appearing for the Applicant.</p> <p>The grievance of the Applicant is that permission is granted to the Respondent Nos. 1 to 7 for carrying out mining operations without obtaining Environment Clearance and it was pursuant to the decision of the Ministry of Environment & Forests. Though, by Office Memorandum dated 24.12.2013, it is provided that EC is not necessary, if the area of mining is less than 5 hectares, the Tribunal has already stayed operation of the said Office Memorandum dated 24.12.2013 by order dated 28.03.2014 in the case of "<i>Ranbir Singh Vs. State of H.P. & Ors. Application No. 343/2013</i>".</p> <p>In such circumstances, if Respondent Nos. 1 to 7 have not obtained the EC and is not having the necessary consent to operate, they are not entitled to carry on mining.</p> <p>In such circumstances, Issue Notice to the Respondents by registered post/acknowledgment due and Dasti as well. Requisites be filed within three days from today.</p> <p>In the meanwhile, Respondent Nos. 1 to 7 are restrained from carrying on mining operations, without obtaining EC and</p>

obtaining consent from the Rajasthan State Pollution Control Board.

List on 12th September, 2014.

.....,JM
(M.S. Nambiar)

.....,EM
(Dr. G.K. Pandey)

