

BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Suo Moto Application No. 16/2013

Tribunal at its own motion Vs. Ministry of Environment and Others

**QUORAM : HON'BLE MR. JUSTICE M.CHOCKALINGAM, JUDICIAL MEMBER
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

**PRESENT : Respondent No.1: Shri Om.S. Shrivastava,Adv.
Respondent Nos. 2,3,4& 6 : Shri Sachin K. Verma, Adv.
Respondent No.5 : Shri Shivendu Joshi, Adv.
Respondent No.8 : Shri Deepesh Shukla, Adv.**

Date and Remarks	Order of the Tribunal
Item No. 3 22nd August, 2013	<p>The Counsels for the parties and officials are also present.</p> <p>Pursuant to the orders of the Tribunal in the last hearing, the respondent no. 1 and 5 have filed a report. The reports are perused.</p> <p>It is submitted by the Counsel for the Pollution Control Board that out of 43 mining units, 17 were closed originally and subsequently out the 26 units with valid consent, 02 were found to be exceeding the capacity and hence, they were also closed. It is further submitted by the Counsel that all other units were within the capacity and mining is being carried out. But this contention put forth by the Counsel does not get the support from the reports filed. It is noticed that some of the units have exceeded the capacity in respect of the consent given to them in the past. It is quite evident that instead of taking any action against them, they were allowed to carry on the mining operation which talks volumes on irresponsible attitude and also not attending the matters in question by the officials of the Pollution Control Board. When a query was made, no explanation was coming forth from the officials present for not initiating any action.</p> <p>In so far as the MoEF is concerned, it is represented by the Counsel that all the 43 mining units comes under the purview of Environmental Clearance regime. Out of that, 13 units require Environmental Clearance at this stage. The Counsel for the Department of Forest, GoMP on a query whether there was any violation of GO issued in 2002, has represented that a State Level Committee was constituted in 2002 and in the month of 2012, a Divisional Committed has also been constituted and so far as renewal of lease is concerned, out of 43 units, 24 are in operation and 19 have been</p>

closed. Out of 19 units, in so far as the renewal is concerned, 10 applications are pending consideration and they are not operating.

At this juncture, the Learned Counsel for the Pollution Control Board make an appeal that the authorities of the PCB will take necessary action as required by law and file the necessary affidavit in that regard within the time frame as stipulated by the Tribunal.

Considering the request of the Counsel for PCB, the officials, in particular the Member Secretary and the Regional Office are directed to take necessary action as required by law without erring within a period of four weeks here from and file a detailed report including the compliance of consent and environmental clearance conditions alongwith an affidavit signed by the Member Secretary in that regard.

The matter is posted to 27.09.2013.

.....JM
(M.CHOCKALINGAM)

.....EM
(Dr. AJAY A. DESHPANDE)

